



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 071 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, March 21, 2005

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, March 21, 2005

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)

[*Translation*]

AUDITOR GENERAL ACT

The House resumed from December 2 consideration of the motion that Bill C-277, an act to amend the Auditor General Act (audit of accounts), be read the second time and referred to a committee.

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, obviously, it is a great pleasure for me to speak today to Bill C-277, an act to amend the Auditor General Act (audit of accounts).

First, I want to pay tribute to the efforts of my colleague from Repentigny, who is expertly leading this battle. Everyone knows he is an experienced, dynamic and clever MP, who has been here since 1993. I hope that Bill C-277, an all-encompassing bill, will therefore receive strong support from both sides of the House and all four political parties, in order that it may pass.

• (1105)

For a long time, the Bloc Québécois has been trying to make the various federal foundations more transparent. In our opinion, the best solution would be to abolish them and ensure that parliamentarians retain control over public funds. If that is not possible, we believe that it is imperative to increase our control over these foundations, as well as their accountability.

So that everyone both inside and outside the House can truly understand what we are talking about, we need to ask ourselves a few simple questions and try to answer as best we can.

The aim of Bill C-277 is to refocus the public debate on the approximately \$9.1 billion that has been allocated to federal foundations since 1997.

We are introducing Bill C-277 because the federal government is misappropriating part of its huge surpluses by investing in foundations that are outside Parliament's control, and therefore outside the control of the people's elected representatives and the Auditor General.

This tactic allows the federal government, among other things, to invest in an underhanded manner in areas of jurisdiction for which Quebec and the provinces are directly responsible. So this is a way for Ottawa, in this case, to use the back-door approach when it cannot use the front door.

The way to avoid this is, first, to adopt Bill C-277, which will give the Auditor General the right to examine how taxpayers' money is spent.

Five organizations and crown corporations do not fall under the authority of the Auditor General but would if the bill introduced by my friend from Repentigny were adopted. They are Canada Post, the Business Development Bank of Canada, the Canadian Race Relations Foundation, the civil service superannuation plan and the Canada pension plan.

As for the foundations, we are talking about those paid \$100 million or more. I think we agree that \$100 million is a bit more than pocket change. Obviously we are talking about some very large amounts that require at the very least some scrutiny by parliamentarians. In fact, one of MPs' primary responsibilities is keeping an eye on taxpayers' dollars, the various types of taxes that millions of Quebecers and Canadians pay into the federal coffers.

I certainly do not wish to denigrate the work done by my colleague from Repentigny in any way, but he really has not reinvented the wheel in fact. He merely wants to put into practice within a legislative framework the recommendations of both the Auditor General and the Standing Committee on Public Accounts.

The idea behind this bill, contrary to what some may have heard, is not a reaction to the sponsorship scandal, although I could spend a lot of time on that. As you know, the Gomery inquiry has almost as large a Canadian TV audience as popular series like *Les Bougon*. The source of the initiative is not the sponsorship scandal, but rather three specific documents.

• (1110)

First of all, there is the Auditor General's report. I would remind hon. members that the Auditor General is not political; she is instead an officer of Parliament, that is of all of us. In April 2002 she tabled her report, and the accompanying press release reads as follows:

Substantial amounts of public money have been transferred to foundations. I am concerned by the limits placed on Parliament's ability to scrutinize them.

Later, she stated:

The audit found significant gaps and weaknesses in the design of delegated arrangements;

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limits on what the Auditor General can look at, which prevents her from giving Parliament proper assurance that the use of federal funds and authorities is appropriate;

the “parking” of billions of dollars of the public's money in foundations, years before it is to flow to the intended recipients;

little recourse for the government when things go wrong; and

limited opportunity for Parliament to scrutinize these delegated arrangements.

We found that the essential requirements for accountability to Parliament—credible reporting of results, effective ministerial oversight, and adequate external audit—are not being met.

So that was back in April 2002. In accordance with parliamentary procedure as we know it, the Standing Committee on Public Accounts examined the report in April 2002, and tabled its report in turn in May 2003. It will soon be two years since that date.

What did it say? There was one key recommendation, which read:

That, for those foundations either created through legislation, or receiving significant federal funding [...] the federal government appoint the Auditor General of Canada as external auditor of these foundations.

The Standing Committee on Public Accounts was talking about \$500 million. My colleague from Repentigny wanted to reduce that amount to \$100 million, which, in my opinion, is quite reasonable.

However, in response to this recommendation, the government said:

Requiring foundations to accept the public sector type standards and operations as well as establishing the Auditor General of Canada as their auditor as identified in recommendations eight through thirteen, could undermine the independence of foundations, reduce their operational flexibility—

In my opinion, this response is completely false and foolish, perhaps even slightly crazy. I hope this was merely a slip of the tongue by the government and I hope the government will support Bill C-277.

The purpose of this bill is simply to make public funds management more transparent. The Prime Minister is the one who described himself as the slayer of what he called the democratic deficit. One way to get rid of the democratic deficit is to give back to elected parliamentarians all the tools and means necessary to closely monitor the work of parliamentarians, legislative work and governmental work. One way to help parliamentarians do so is to provide all the information they might need, for example: where do taxpayer dollars go? What do the foundations do with these billions of dollars in public money? What do Crown corporations do with this money from Quebec and Canadian taxpayers?

In conclusion, I want to reiterate my congratulations to my colleague from Repentigny for being highly effective in this matter. I urge my colleagues from the Liberal Party, the Conservative Party and the NDP to support this bill, which I would describe as inclusive, as it is non partisan. Simply put, this bill will provide us with all the necessary tools to do what is required of us under this British parliamentary system, which is to control the actions of the government and thereby help the Auditor General help us.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I rise to speak in favour of Bill C-277. Its summary states that the enactment amends the Auditor General Act in order to allow the Auditor General of Canada to act as auditor or joint auditor of crown

corporations, certain other bodies established by acts of Parliament and certain corporate entities without share capital.

Let me turn to another bill for a moment, Bill C-39, which has already been before the House. It is the enabling legislation for the first ministers' accord on health care and it sets up a third party trust for wait times reduction transfer. The Government of Canada will set that money aside this year but it allows the provinces to draw upon that money until 2009. The House will not review that agreement until 2008. That is a lengthy period of time without oversight on how that money will be spent.

If the Auditor General were allowed to audit the foundation there would be transparency to Canadians and all their demands on health care funding. It is absolutely essential that we commit to openness and transparency in funding that is being spent by the government on behalf of taxpayers.

I want to quote from a document I found useful in considering how health care funding is provided. It is from the CCAF and the Canadian Healthcare Association. The document is entitled, “Principles for Governance, Management Accountability and Shared Responsibility”. It states:

Health system partners need to demonstrate commitment to public transparency and accountability. They do this by explaining to, and involving the public in, what they plan to do, how well the system is performing, and the implications of both.

A third party foundation that has no parliamentary oversight is not the way to achieve public transparency. If the government continues to insist on using these bodies as a way of providing funding, we need to provide the public with confidence that this money is being spent well, that the money is providing the benefit the public needs and that any deficiencies are being identified and acted upon. We do not want to see a repeat of needing to implement a Gomery inquiry.

Another part of that report reads:

Reporting principles and standards are key to the integrity and utility of reported information and prerequisite for fair comparisons and benchmarking.

These are critical elements in terms of what we have seen over the last several years of various private practices in accounting like Enron.

The Auditor General provides Canadians with reporting principles and standards in regard to how tax dollars are spent, principles and standards the Liberals seem willing to ignore by salting money away in foundations instead of spending it in a transparent manner. The bill would give Canadians some assurance that money directed into foundations is being spent appropriately.

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I would like to turn to another foundation, Canada Health Infoway Inc. It was set up in 2001 to help develop efficient data systems for health care. Make no mistake, the NDP knows that more efficient methods of health information transfer are absolutely vital to our Canadian system, but how do we know if Canada Health Infoway is providing good value on that strategy? Four years after it was set up, the need for improved methods of health information transfer is still front and centre with the wait times reduction fund, the need to better understand what parts of the country are underserved by health professionals and as a way of developing a comprehensive pharmacare system.

In a recent article in the *Ottawa Sun* the headline read, "Suspect Worst of Foundations". The article reads:

Canada Health Infoway Inc: Set up in 2001 to help develop efficient data systems for health care, the foundation so far has managed to spend \$30 million administering \$51 million in grants. (How's that for efficiency?)

These are the kinds of facts and figures that cry out for the need to have the Auditor General look at what is happening with these foundations, instead of treating them as an arm's length mechanism to tuck away funds that do not have the kind of oversight that parliamentarians should have over these kinds of funds.

When we are talking about oversight and transparency, another bill is being put forward to the House, Bill C-201, which talks about the need to look at crown corporations and access to information. It is just another example of how private members need to bring forward business to encourage the government and the rest of the House to really walk the talk when we are talking about transparency and accountability.

I would urge all members from all parties to support this very worthwhile private member's bill.

• (1115)

[Translation]

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, I am pleased to have an opportunity to speak to Bill C-277, proposed by the hon. member for Repentigny.

• (1120)

[English]

In principle, the government supports the intent of the member's bill regarding improved oversight of federal government entities, such as crown corporations, as well as not for profit organizations, such as foundations that have received significant federal assistance.

[Translation]

As we have already mentioned, the Government of Canada has made a commitment to improving accountability and has taken practical steps toward more transparency for the Canadian public.

That is the context in which the President of the Treasury Board tabled the report on crown corporation governance in the House of Commons on February 17.

In that report, the Government of Canada promised to amend the relevant legislation, including the Financial Administration Act and the statutes governing crown corporations, to ensure that, first, the Auditor General is designated the sole or joint external auditor for all crown corporations; second, that the Office of the Auditor General

has the power to conduct special audits, focusing on value for money in all crown corporations; third, special audits are governed by an audit strategy based on the risk associated with each crown corporation, taking into account each corporation's complexity, field of activity and changes in its operational and strategic environment; and finally, that a protocol should be concluded with the Auditor General to ensure that commercially sensitive information is protected when special audit reports are presented to Parliament.

These amendments would include and go even further than the private member's bill.

In addition we are also concerned, as the hon. member has said, about the need for increased oversight over federal government institutions.

The Office of the Auditor General vigorously supports the measures outlined in the report on governance of crown corporations. It considers this the most complete review done in 20 years on this issue.

The government believes that these proposals are clearly a more efficient solution than that suggested by the hon. member for Repentigny to improving the transparency and accountability of crown corporations.

[English]

With respect to not for profit organizations, such as foundations, I would like to draw to the attention of hon. members the commitments made in budget 2003 to improve accountability and transparency. At that time the government undertook to amend funding agreements to incorporate, among many other measures, provisions for compliance audits and evaluations, and the recovery of funds in the event of default or wind-up.

It also undertook to strengthen the reporting of plans and results to Parliament. The Auditor General has recognized the improvements that have taken place in this area. She has recognized that the government has amended these funding arrangements to deliver on its commitments of improved accountability and transparency.

The government recognizes that the Auditor General would like to see the government go further in the areas of audit, evaluation and ministerial oversight. In the government's response to her recommendations, we indicated that we would continue to work with the Auditor General to resolve these issues. The government is following through on this commitment and discussions are progressing well with the Auditor General. As we gain a better understanding of each other's views on these issues, we are hopeful that any issues will be successfully resolved to the satisfaction of all concerned.

As an example, the office of the Auditor General recently indicated to the Standing Committee on Public Accounts, the Standing Committee on Government Operations and Estimates and to the Senate national finance committee that the office's thinking has evolved with respect to the audit of foundations. Previously, the office had taken the position that it should be the auditor of these organizations. This has now changed based on discussions with the government and the fact that the office of the Auditor General has no concerns with the financial audits that are being done by private sector auditors on the foundation.

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[Translation]

I think this is important. It must not be thought that foundations and non profit corporations are not audited or reviewed.

[English]

Its real priority is to conduct performance or value for money audits in these organizations. The government also recognizes the motion from the member for Medicine Hat that was passed by the House on February 22. The government has expressed its desire to work with parliamentarians to address the concerns related to these arrangements.

The President of the Treasury Board has indicated that he would welcome a debate to find a solution to the problem. He has indicated that he does not support the motion in principle as it calls for automatically appointing the Auditor General as auditor. Similar to the Auditor General, he does not see this as the solution or the real priority.

I too do not see the bill's proposals as the best solution. I believe there are more effective solutions possible and support the government working with the Auditor General to find these solutions. One specific concern I have is that the bill would extend the Auditor General's powers into entities created or controlled by other levels of government.

• (1125)

[Translation]

In conclusion, I want to emphasize that I support the idea of broadening the Auditor General's role to include auditing or joint auditing of crown corporations, if the mechanisms for implementing this concept are examined more closely.

[English]

This government is committed to enhancing accountability and welcomes constructive input from all members of the House. The time we are devoting today to the motion in question highlights our eagerness to listen and consult on all matters before Parliament.

If the bill goes forward I would encourage the public accounts committee to carefully examine it and I expect that the committee will take into account the views of both the Auditor General and the government on the appropriate role of the Auditor General in the audits of independent organizations.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I am pleased to address Bill C-277 and to compliment the member for Repentigny on his noble purpose in this private member's bill. Without hesitation, I applaud the intention to expand the scope of the Office of the Auditor General. It is a measure that I know the residents of my community feel is long overdue.

The Auditor General has become somewhat of a hero to all of us, but perhaps not to the government, which cringes every time she sheds more light on its mismanagement of taxpayers' dollars.

As an officer of Parliament, the Auditor General serves us well with the thorough audits of the accounts of federal government departments. However, there are currently many organizations, funded with billions of tax dollars, which she does not have the authority to investigate. These federal crown corporations include

the Bank of Canada, the Canada Council for the Arts, the Canadian Broadcasting Corporation, Telefilm Canada, the International Development Research Centre and the National Arts Centre Corporation.

Beyond these significant corporations that operate with taxpayers' money, there are also numerous foundations that receive the majority of their funding from the government. These include: the Canada Foundation for Innovation, the Canada Millennium Scholarship Foundation, Canada Health Infoway Inc., Genome Canada, the Aboriginal Healing Foundation, the Canada Foundation for Sustainable Development Technology and the Canadian Health Services Research Foundation.

There are also endowment funds, which include the following: the Green Municipal Funds, the Pierre Elliott Trudeau Foundation, the Clayoquot Biosphere Trust, the Pacific Salmon Endowment Fund Society, the Canadian Institute for Research on Linguistic Minorities, the University of Moncton and Frontier College Learning Foundation.

Other foundations also include: the Canadian Institute for Health Information, the Green Municipal Enabling Fund, Precarn, the Canadian Network for the Advancement Research, Industry and Education, the Canadian Institute for Advanced Research, and the Canadian Centre for Learning and Development.

To my mind, any organization established and operated on government funding needs to be open to the appropriate scrutiny to ensure that Canadians are being served well and our money is being spent responsibly.

I sat on the Ontario Trillium Foundation, which gives out \$100 million a year, and I can assure the House that what the government is doing pales in comparison to the levels of scrutiny and accountability we faced for \$100 million. The levels of accountability were far more significant for only \$100 million than they are for the billions of dollars we are talking about here today. I believe there should be more scrutiny of this money.

All Canadians deserve this overdue accountability. During my last election campaign, accountability was the central issue in my community. People have lost trust and confidence in their government and its institutions and, based on a recent survey, I would say in politicians as well. I do not blame them.

It was because of this that I lost trust in this government and decided to run for office and advocate for accountability. Over the past 11 years of the Liberal government we have seen shocking scandals involving grants, contributions and government contracts. This was driven home again last week by the continued revelations at the Gomery commission.

The Auditor General has led numerous investigations into government mismanagement and misappropriation of funds. It is clear that the government is incapable of managing taxpayers' dollars in a prudent manner. Government spending has continued unabated and with little accountability. Funds are too often being used for all the wrong reasons. This government needs a watchdog with sharp teeth and a strong bite to keep it in line.

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The federal government spends approximately \$18 billion a year on various grants and contributions and another \$13 billion annually in awarding government contracts. This is a staggering amount of taxpayers' dollars and we trust our government to spend it responsibly.

Unfortunately, experience has shown us that we have misplaced that trust. Unarguably, a serious review of all government spending is required. Canadians have found out in recent years that the Prime Minister's companies received \$161 million of taxpayers' money, not the \$137,000 originally claimed by the government.

We have also watched \$100 million disappear into thin air as government friendly communications agencies were paid millions of dollars in commissions and fees, with little or no service provided to the federal government or to Canadians. The gun registry was supposed to cost \$2 million and is now costing us \$2 billion, and \$1 billion in grants and contributions at Human Resources Development Canada was misappropriated.

• (1130)

The list seems endless. What is really scary is that these abuses of tax dollars took place in departments that were subject to investigation by the Auditor General. We all have to wonder what other horrible mismanagement we may uncover through the extension of audits to a broader spectrum of the government departments and other organizations that receive government funding.

What we do not know does in fact hurt us. That is why it is so important to find out how federal crown corporations and other bodies established by Parliament and funded by Canadian taxpayers' dollars are managing Canadian resources and funding.

We need transparency and accuracy in all the accounting of government finances, whether that is for a government department like defence, a government corporation like Canada Post or an arm's length foundation like Canada Health Infoway.

The Auditor General has stated that since 1997 the government has transferred \$9.1 billion to 15 foundations. As of March 31, 2004, \$7.7 billion was either still in the foundations' bank accounts and investments accumulating interest or was a receivable from the government, yet the government has already recorded these transfers as expenses.

The Auditor General has also stated that she is concerned about the manner in which these foundations are funded, the accounting for transfers and the accountability regime for the foundations. With her current mandate, she has no authority to audit any of these foundations even though this is taxpayers' money.

As a matter of fact, there is absolutely no parliamentary accountability or scrutiny of these foundations whatsoever. Can members believe that this government, which is constantly telling us that it believes in transparency and accountability, has not taken into account the Auditor General's own recommendations, year after year, on being able to review and audit these foundation books?

Nine billion dollars of hard-earned taxpayer dollars have been handed over with absolutely no parliamentary perusal or scrutiny or

even a review by the Auditor General. Not only is this reckless, but this government's unaccountability is totally unacceptable.

Again, I agree with the objective of this bill. The Auditor General should most definitely have access to all the government books. I will support this bill's passage in principle. There is some loose wording that needs to be tightened, such as specifying that the Auditor General should be the Auditor General of any federal crown corporation rather than just crown corporations, as the bill currently reads. However, I am certain that the appropriate amendments, which we will propose at the committee level, can address such items.

I also think this bill should be expanded upon. Along with providing access to all government books to the Office of the Auditor General, we need to include access to the books of other outside organizations such as foundations, and we need to provide appropriate resources for the Auditor General to fully and completely execute her duties to the best of her ability.

There is no doubt that the cost of implementing expanded audit services will be substantial. However, the benefits of enhanced scrutiny are well worth the initial cost. The public's trust and confidence in government operations need to be restored and that can only happen through rigid accountability measures.

In fact, I would argue that the Auditor General should be authorized and directed to conduct expedited audits on all federal grant and contribution programs and contracting policies. Granting programs should be reviewed every five years on an ongoing basis at an absolute minimum.

As well, the government should act on the Auditor General's recommendations rather than just let them gather dust.

I would have no problem in supporting increased funding for internal audit functions and I am sure many of my esteemed colleagues would feel the same. The payoff for all Canadians would be tremendous. With a clear and accurate picture of how our tax dollars are spent, we could finally move forward in meeting the concrete demands of Canadians by providing more focused federal government that gives better service to all of us.

We would spend our money more wisely and clean up government waste and mismanagement. As a result, we could provide to Canadians both more efficient government and tax relief.

• (1135)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am very pleased to speak to Bill C-277, introduced by our likeable and endearing colleague from Repentigny. Today is a historic day in certain respects, as there is great hope that it will see this bill passed, without presupposing what the House intends to do, of course.

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The hon. member for Repentigny, who is our critic for the Treasury Board and public accounts, has been very well advised to introduce a bill which, frankly, adds transparency, integrity and even broadness of outlook to our legislative process. His goal is to ensure that, as parliamentarians, we have total control over the funds allocated by the government. We are not talking about private foundations. I realize that, in very specific cases, foundations would still be able to use private mechanisms. But, for the most part, we are dealing with creatures of Parliament established by acts of Parliament, with respect to which it is appropriate, fair and wise that parliamentarians be able to follow how this funding is used.

As I understand it, the bill introduced by the hon. member for Repentigny has three main purposes. This is a very well-thought-out and relevant bill, as were all the other bills he has introduced in this House. He is a very prolific member in terms of legislation.

First, reference is made to the Auditor General, Sheila Fraser, whom everyone holds in high esteem. Can the Auditor General be considered an officer of the House?

Some hon. members: Yes.

Mr. Réal Ménard: Yes, because her appointment was supported by all parliamentarians. I think I can safely take it upon myself to say that Sheila Fraser has no enemies in this place. She is held in high esteem by everyone. This is a woman who has managed to exceed the expectations we had upon her appointment. In a sense, she is a clairvoyant. I think that all parliamentarians in this House will agree on that.

However, there are limits to what she can do. Even though, as everyone knows, she is a very enterprising and efficient woman, there are limits to what she can do, since there are a number of crown corporations that she cannot investigate. Bill C-277, introduced by the hon. member for Repentigny, would give the Auditor General the means to investigate and review, with her keen eye, Canada Post—of course, we have reasons to think it would be interesting to know more about what Canada Post is doing—the Bank of Canada, the Public Service Superannuation Plan, the Canada pension plan and the Canadian Race Relations Foundation.

One of the objectives of the hon. member's bill is to allow the Auditor General to act as auditor or joint auditor of crown corporations, which, until now, have not been subjected to her control.

I hope I am conveying fairly accurately our colleague's view when I say that, should his bill become law, what would make him particularly proud is the fact that the Auditor General would be able to follow very closely what is happening with the foundations. For the benefit of those who are watching us, I should point out that, over the past seven years, the federal government has transferred a little over \$9 billion generated with Quebecers' taxes.

At a press conference, the hon. member for Repentigny clearly said that the purpose of his bill was not to question the merits of these foundations, although we never agreed with them. It is the foundations themselves that are targeted, not their mandate or relevance. It is the mechanism through which the government is pursuing, with taxes paid by Quebecers and Canadians, public

policies without parliamentarians having any control over these initiatives.

As I was saying, over the past seven years, close to \$9 billion has been transferred to foundations. I want to be a little more specific for the benefit of our viewers. What are we talking about here?

• (1140)

For example, the Canadian Foundation for Innovation, which conducts industrial research and so forth, was established in 1997. It has received \$3.6 billion from Parliament, Treasury Board and the Department of Finance.

There was a problem with the Canada Millennium Scholarship Foundation, which was created in 1998 and which has received \$2.5 billion. If I remember correctly, all the parties in the National Assembly were uncomfortable with the idea that the federal government could intervene by granting educational scholarships, for excellence in education, since it does not have the relevant or appropriate jurisdiction to do so.

The Canada Health Infoway, created in 2000, has received \$1.2 billion. In 2000, its first year, Genome Canada received \$375 million. In the most recent budget tabled by the Minister of Finance, its funding was increased, as we all know.

The Aboriginal Healing Foundation, created in 1998, has received \$350 million. Sustainable Development Technology Canada, created in 2001, has received \$350 million. The Canadian Health Services Research Foundation, established in 1997, received \$152 million in its first budget, but if I recall correctly, additional funds were allocated during the 2000 first ministers' conference.

Consequently, the hon. member for Repentigny did not tackle some sort of commonplace occurrence. There are billions of dollars going to foundations. So what is the dispute about, what is the basis of the problem? It is that both the Treasury Board and the Department of Finance take for granted that the moneys allocated to the foundations were actually spent by the government. Examples have been brought to our attention thanks to the vigilance of the Auditor General. We have learned that, in certain cases, money lay dormant in bank accounts for years. What is more, as we speak, although foundations were created back in 1999, 2000, 2001 or 2002, we know that the money has not always actually gone where it was intended, whether for research, bursaries, aboriginals or whatever. However, the federal government considers these as expenditures on its books.

This leads to two problems. As far as bookkeeping is concerned, it is dishonest. As far as policy is concerned, it lacks transparency. As far as Parliament is concerned, it is unacceptable, because accountability is obviously lacking.

In some countries this is cause for revolution. I wonder, in our parliamentary history—the hon. member for Repentigny knows the answer since he was a popular history teacher—what was the ministerial accountability in 1848? It was precisely that parliamentarians should monitor the budgets meticulously and with a sense of detail. Throughout our constitutional history, no one has been prepared to give up or cut down on the prerogatives of parliamentarians for that type of control.

The prerogatives of parliamentarians were given up, not subtly, but surreptitiously—there is no other word for it—and it was accepted as normal that the foundations should not have to come under the close scrutiny of parliamentarians.

We must thank the hon. member for Repentigny, and his assistant, for all the vigilance he demonstrated with this bill he introduced in this House. Out of pure respect for the prerogatives of parliamentarians, the best thing that could happen would be for this bill to receive support from all parties, and for it to be sent to the Standing Committee on Public Accounts for improvement, if necessary.

In my opinion, Parliament would be better for it and better equipped in terms of public accounts. This will be a lasting contribution by the hon. member for Repentigny to the development and future of our work.

• (1145)

The Acting Speaker (Mr. Marcel Proulx): The debate will continue with the hon. member for Repentigny. Since he is the sponsor of the bill, he now is entitled to a five minute response, which will end the debate.

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, it is with some emotion that I exercise my five minute right of reply before we conclude this debate. In the life of a parliamentarian, personally developing a bill and introducing it in the House for first reading and then consideration in second reading is a rather long, arduous and at times painstaking process. It is therefore with some emotion that I now see this bill reach the end of a stage. Moreover, throughout the debate on Bill C-277, I have been able to count on the cooperation, open-mindedness and professionalism of my hon. colleagues from all parties.

Some may say there are bad sides to a minority government, but there are good ones too. For instance, in the past little while, motions and bills from all parties have been receiving greater attention and consideration than before.

The week before the latest recess, my friend and colleague from Charlesbourg—Haute-Saint-Charles moved a motion on reversing the burden of proof. I had the privilege of speaking on this motion, saying that we have to take our blinders off and stop thinking that whatever comes from the Bloc or from Quebec is no good because they are all separatists. Our colleagues from all parties really considered the motion on its merits and content, and not just the messenger. That bodes very well.

As my hon. colleague from Hochelaga said, without presupposing how the House will decide, things are looking very good for Bill C-277 today. It may well be referred to committee and eventually be considered at third reading stage. It could enjoy a longer life, and

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perhaps even be passed. The process Bill C-277 is going through seems to be moving along very nicely.

At first, some colleagues had concerns about the scope of the bill with respect to private foundations or smaller foundations in their ridings or provinces. As the debate progressed, this irritant was eliminated.

As we had an opportunity to discuss the bill, other hon. members sitting on the Standing Committee on Public Accounts raised certain questions but they have not opposed it. These questions were completely legitimate and proper and caused us to work harder on how this bill was to be interpreted.

The final and most serious question was about the kind of audit done by the Auditor General. For the benefit of the House and Treasury Board officials, I shall quote from part of a reply I received from the Auditor General on these questions:

The new subsection 5(3) stipulates that the Auditor General may make such examinations and inquiries as he or she considers necessary in order to enable a report to be made in accordance with this act. This provision leads me to conclude that my office would conduct management audits only for all bodies other than crown corporations. This conclusion is based on the words "enable a report to be made in accordance with this Act". The requirement to report under the Auditor General Act concerns management audits exclusively. The opinion expressed under section 6 of the Auditor General Act on the financial statements included in the public accounts is submitted to Parliament by the government.

The Auditor General concludes with this:

I hope that these comments will help you in your deliberations—

It was signed by Sheila Fraser.

I believe that all during the deliberations on this bill, my colleagues have offered concrete and constructive arguments to improve the bill and its interpretation.

I would be very pleased today if the House were to give its unanimous consent to send this bill to committee, for that would enable us to hear witnesses representing foundations, crown corporations and the Auditor General's office. In that way, we would be able to see what practical impact this bill would have on the management of the \$7 billion in terms of the foundations.

• (1150)

I hope that everyone will agree that members of Parliament ought to have greater oversight over these foundations and public monies, and that the Auditor General will have the opportunity to audit and review these foundations and crown corporations.

I also want to thank all the hon. members who have spoken on Bill C-277.

The Acting Speaker (Mr. Marcel Proulx): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Marcel Proulx): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

Government Orders

The Acting Speaker (Mr. Marcel Proulx): Accordingly, the bill is referred to the Standing Committee on Public Accounts.

(Motion agreed to, bill read the second time and referred to a committee)

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place among all parties and I believe you will find there is unanimous consent to suspend the sitting until noon.

SITTING SUSPENDED

The Acting Speaker (Mr. Marcel Proulx): If hon. members agree, we will suspend the sitting not until noon but, rather, until 12:05 p.m. Is this agreed?

Some hon. members: Agreed.

(Sitting suspended at 11:53 a.m.)

SITTING RESUMED

(The House resumed at 12:05 p.m.)

GOVERNMENT ORDERS

• (1205)

[English]

CIVIL MARRIAGE ACT

The House resumed from February 21 consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the amendment.

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, I am pleased to have the opportunity to participate in the debate surrounding Bill C-38, the civil marriage act, that proposes to legalize same sex marriages in Canada.

Like many of my colleagues on both sides of the House, I voted in support of the traditional definition of marriage in 1999 and again in 2003. I remain committed to defending this definition, not only because of my personal beliefs but as the elected representative for Lambton—Kent—Middlesex I have an obligation to vote according to the views of the majority of my constituents.

Prior to the vote that took place in 2003, I sent a survey to every household in my riding. Of the responses I received, 90% of my constituents were opposed to same sex marriage.

Since the Supreme Court of Canada provided its opinion on the reference case, approximately 2,000 constituents have contacted my office to relay their continued opposition to same sex marriage, while less than 50 constituents have contacted me in support of the proposed legislation.

In 1999 the House of Commons reaffirmed the traditional definition of marriage as the union of one man and one woman to the exclusion of all others by a vote of 216 in support and 55 opposed. In 2003 another vote took place and this time 137 were opposed and 132 voted in support. The motion affirming the

traditional definition of marriage was upheld in 1999, but was defeated in 2003.

Although I voted to support the traditional definition of marriage both in 1999 and 2003, many others switched their vote. The question I have is, what changed between 1999 and 2003? The answer is, the courts.

Several cases were brought before different provincial courts dealing with this issues, but the most notable was in July 2002, in *Halpern v. Canada*, in which the Ontario Superior Court challenged the traditional definition of marriage. This controversial judgment was followed by two similar decisions in Quebec Superior Court and the British Columbia Court of Appeal.

Halpern gave the federal government two years to consider legislative options. Before the federal government had an opportunity to complete public hearings on this issue, the Ontario Court of Appeal declared on June 10, 2003, that it would not bother to wait for the government. It struck down the existing law of marriage as discriminatory, redefining marriage as a union of two persons.

When the Charter of Rights and Freedoms was being created in 1981, some opponents saw the charter as a move to reallocate authority from those who attained their position through election to those who attained their position through appointment. The concern was that the power to define law and determine rights was being given to those who were immune to review by the people, the electorate. Since being implemented, the charter has sparked a lively debate over judicial encroachment on legislative authority. The most recent developments concerning same sex marriage is a perfect example of this intrusion.

As a result of these court rulings, a majority of Canadians are now being told that their view of the traditional definition of marriage is contrary to the charter. This pits the charter, which is meant to protect freedom of religion and conscience, against their consciences and indeed their religions on this fundamental matter.

Although the proposed legislation states that “officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs”, the Supreme Court of Canada included in its decision that religious freedoms would be protected, unless there were “unique circumstances with respect to which we will not speculate...” Where there is a collision of rights, the court has stated that it “will find a limit on religious freedom and go on to balance the interests at stake under Section 1 of the Charter”.

While the Supreme Court has stated that there is a level playing field of rights, that is, that no right is superior to another, the way the court has interpreted religious freedom and gay rights leaves gay rights in a superior position.

In the Trinity Western University case concerning religious freedoms, the court said that the freedom to believe was broader than the freedom to act on those beliefs. Respecting gay rights, however, the courts have ruled that protection for homosexual practices is part and parcel of the protection for sexual orientation. If homosexual practices have been protected by the courts without question but religious practices tend to be subject to some more rigorous standards, gay rights will always trump religious rights.

Government Orders

The Knights of Columbus in British Columbia recently refused to permit a gay couple to use their facility for a same sex wedding. As a result, they have been called to account for their actions by the B.C. Human Rights Tribunal. It seems that the religious beliefs may not be enough to protect them against a charge of discrimination based upon the sexual orientation of their rejected clients.

• (1210)

As a result of decisions in several provinces, the traditional and universal definition of marriage violates the charter right to equality of homosexual couples who want to marry. I find it interesting that other countries have not made the same claim that Canada makes, that marriage as we have known it constitutes a rights violation. The United Nations Human Rights Commission has, in practice, denied that it is a rights violation.

If the charter explicitly guarantees homosexual couples the identical rights enjoyed by heterosexual couples, those of us who think same sex marriage is a massive social experiment with unknown consequences will have no basis for criticizing these judges. The problem is that not only does sexual orientation not appear in the equality rights section of the charter, but a motion to include it was explicitly rejected by those who framed the charter. Judges have brazenly put in what the framers kept out.

Since when was homosexual marriage a human rights issue? Same sex is not listed as a human right in the U.S. Bill of Rights, the 1948 United Nations Declaration of Human Rights, the European Declaration of Human Rights and Freedoms, the Canadian Bill of Rights and the Charter of Rights and Freedoms.

I again ask, what has changed since 1999? How has same sex marriage suddenly become a human rights issue if it is not contained in the charter? In my opinion the courts are putting in what they believe Parliament neglected. Again, who are the legislators in the country?

When the charter was being created, our former prime minister, the right hon. Jean Chrétien, defended section 33, the notwithstanding clause. He saw section 33 as a safety valve that would ensure that legislators, rather than judges, would have the final say on important matters of public policy. This would allow elected governments to correct situations without going through the difficulty of obtaining constitutional amendments. This was a very important tool given to the government.

Section 33 does not permit legislators to override rights but to override the judicial interpretation of what constitutes a reasonable balance between rights. Using the notwithstanding power is a perfectly legitimate response to the courts' usurpation of the legislative responsibilities to make laws such as the definition of marriage. This is especially true in regard to the same sex marriage debate because the courts have added new meaning to the charter that was explicitly rejected when it was being written.

In my opinion we cannot tinker with the fundamentals of an institution like marriage without expecting significant consequences. Marriage is not improved by becoming all things to all people. Changing the public meaning of an institution changes the social reality. It transforms the understandings and practices supported by that institution.

Redefining marriage to include same sex couples may appear to be a simple solution to a perceived present day inequality, but the notion of marriage as an opposite sex relationship is so deeply rooted in our society that its redefinition may have far-reaching effects on the future development of our society that cannot be predicted.

Across societies, marriage has institutionalized and symbolized the inherently procreative relationship between a man and a woman. It has established the societal norm that in entering marriage a man and a woman take a shared obligation to protect and nurture the children who are born to them. Marriage has never been so heavily associated with the wants and needs of adults as individuals. If we focus more on the benefits of adults as individuals, it will be our children and future generations who will suffer the consequences.

The government did not create the heterosexual institution of marriage but it did recognize it as such and gave it status in law. By doing this, the government did not remain neutral but instead chose to affirm that marriage was a heterosexual union. Now as a result of court rulings, we the legislators are being told that the definition is no longer valid and are being asked to support Bill C-38, the civil marriage act currently before Parliament.

As I stated in the beginning, I voted in support of the traditional definition of marriage in 1999 and in 2003. I remain committed to defending the definition not only because of my personal beliefs, but because the majority of my constituents in Lambton—Kent—Middlesex agree with me as well. I believe that redefining marriage will have far-reaching negative effects on the future development of our society. Therefore, I am unable to support Bill C-38.

• (1215)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, as the elected member of Parliament for the riding of Yorkton—Melville for nearly 12 years, I was present in the House when the traditional definition of marriage was challenged back in 1999 and defended by the Government of Canada. Through it all, I have stood not only by my beliefs and values, but those of my constituents as well.

In 1999 I voted alongside my colleagues and with those sitting across the way on the government side, and my vote was in favour of the traditional definition of marriage and so to were the votes cast by the majority of Liberals on the other side, including the present Prime Minister.

In 1999, 215 of 270 members of Parliament voted to keep marriage defined as the union of one man and one woman to the exclusion of all others and that the Parliament of Canada would take all necessary steps to ensure that definition stayed true. In fact, the then justice minister and our present Minister of Public Safety reassured Canadians that the definition of marriage was safe when she rose on the floor of this place and declared:

Government Orders

Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same sex marriages. I fundamentally do not believe that it is necessary to change the definition of marriage in order to accommodate the equality issues around same sex partners which now face us as Canadians.

That promise is being broken by her and the government.

In 2000, speaking for the Liberal government, she said:

We recognize that marriage is a fundamental value and important to Canadians. That value and importance is in no way undermined by recognizing in law other forms of committed relationships.

Had the Liberals stood by their word and their promise to Canadians we would not be here today debating the meaning of marriage. How can Liberals change their minds on something as sacred as the true definition of marriage? Why should we believe them now when they say they will protect the religious beliefs of those opposed to same sex marriage?

My stand on same sex marriage is well known and is unwaivering. I adamantly oppose changing the definition of marriage from its traditional form. I have remained true to my beliefs and true to the values of my constituents. In fact, residents of my constituency have sent me clear messages through letters, e-mails, and faxes. They are also opposed to changing the definition of marriage.

I would like to read today into the parliamentary record a sample of my constituents' letters. These letters are from average Canadians very busy with their affairs yet who strongly believe and support the traditional definition of marriage. They have taken the time to forward their views to me and the Prime Minister. It is only fair that we give them our attention.

Here are some quotations that I want to put on the public record because they say things better than I.

The first letter states:

I have been following the issue of changing the definition of marriage from the sidelines, but now I feel compelled that my views be heard and represented. I strongly support traditional marriage as defined as "the union of one man and one woman to the exclusion of all others". Marriage between a man and a woman is unique and simply cannot be substituted by any other relationship. Marriage ensures the continuation of a stable and healthy society, for generations to come.

The majority of my constituents strongly hold the traditional view of marriage.

The next letter I would like to quote states:

Just want you to know that I support you and your stand about legalizing same sex marriage and wondering what else I can do to stand against it. Is this really a human right issue as we hear our prime minister say? Is it right that the Supreme Court says that the federal government may re-define marriage but are not obligated to do so? Has there even been a study done in countries where it has become legal, the impact it has on family life? I think this would be a good thing to do before we legislate such.

In fact, the government has not answered the question this person and many Canadians have asked. What studies have been done to see the impact of this on family life and our children?

The next letter to me states:

Thank you for publicly opposing same sex marriage for Canada. I support your position that marriage is the union between a man and a woman. I continue to vote for you because you stand up for moral values and for family. Canadians have to "stand for something or we'll fall for anything". Please keep up the good work.

The point of reading these letters is that Canadians want to see their politicians stand up for moral values and for the family. These Canadians are feeling threatened by the Liberals' proposed legislation to change the definition of marriage.

• (1220)

This is the next letter I would like to read:

Please continue to fight the same-sex marriage legislation. If the Prime Minister backs up his talk of taking it to the electorate, consider yourself being in the next government! Human rights have become a weapon for the small minorities to use against the average Canadian tax payer. What about a level field? Keep up the fight for all citizens.

Canadians are telling me that this will be an issue in the next election. Clearly, Conservatives support traditional marriage as was put into our policies last week.

Here is a letter from another constituent from the riding of Yorkton—Melville to the justice minister:

Since the beginning of time, marriage has been the means of bringing up children in a strong, healthy family situation and it ensures that children have the best chance of having a Mom and Dad in their lives. Marriage between a man and a woman is a unique relationship which cannot be replicated by any other relationship. A change in the definition of marriage will erode family stability and will require the rewording of all family-related laws. I am writing to respectfully request that you do everything possible to ensure that marriage is upheld.

I read these quotes because they tell it like it is. I could not say it any better myself.

Here is a letter that the Prime Minister received from one of my constituents in regard to the same sex marriage legislation:

Dear Mr. Prime Minister: I would like to ask you and encourage you to uphold, protect and retain marriage as "the union of one man and one woman to the exclusion of all others". For if you look at this definition, and its far-reaching ramifications, rationally, socially, biologically, spiritually, that marriage is of critical importance to our society. It is perhaps the most important societal institution we have because:

- it provides for the procreation and upbringing of children;
- it provides the strong foundation for healthy families;
- it provides and ensures that children have the best chance to have both a mom and a dad in their lives;
- it ensures the continuation of society and provides family stability for future generations.

Marriage between a man and a woman is a unique relationship that just can't be replicated by any other relationship. Please, Mr. [Prime Minister], do not force a minority desire on the conscience of the majority. If you desire, grant same-sex people the rights for civil unions or contracts, but please don't call that marriage—that belongs to the heterosexual scene.

That lays the issue out quite clearly. Here is another note to the Prime Minister:

Marriage is uniquely dedicated to a man and a woman who have the incredible privilege and responsibility of bringing forth the next generation of Canadians. All rights for all individuals in society are already protected by legislation. Please allow each MP a free vote on the "same sex" issue. It is impossible to use the term "marriage" and same sex in the same thought.

I would like to add that the Prime Minister is really not making this a free vote.

In a world filled with so much uncertainty, it is irresponsible for the government to abolish the definition of marriage. This definition has been in existence for as long as man has walked the earth and it has never changed. We do not know the consequences and the impact this will have on our children.

Government Orders

The vast majority of my constituents view this as a social policy issue, not a rights issue. The Conservative Party is proposing a fair middle ground which allows same sex partners legal recognition with equivalent rights and benefits, while protecting the sanctity of traditional marriage as the very foundation for strong families.

The thousands of letters, faxes, emails and phone calls I have received from Canadians across this great land are asking parliamentarians to do just that. I urge the government to listen. It has been a privilege for me to share some of their letters. The Prime Minister surely does not want this to be part of his legacy.

Let me conclude with this letter to the Prime Minister; I wish he would read it:

I am opposed to the proposed legislation on same-sex marriage. If the definition of marriage is changed to include partners of the same-sex, I will feel as if the state has annulled the last 35 years of my marital life.

1. First of all, a definition does not discriminate, it only defines. Homosexuals already have the same basic human rights as any other member of our society. If half the definition of marriage can be changed on the human rights argument, then there can be no logical explanation to changing the other half "to the exclusion of all others" to a polygamous union.

● (1225)

2. The government has broken its 1999 promise to defend the definition of marriage and since then has abandoned the democratic process in dealing with the matter and allowing the lower courts to usurp their constitutional power.

3. As a nation we also have a responsibility to the next generation who will have to deal with the social consequences when a greater number of children are denied the influence of both a mother and father. What a sad commentary on our nation that the protection of our children of future generations will be compromised to defend and promote the lifestyle of such a few.

There is one more letter to the Prime Minister with a quotation I would like to put on the record.

As Christians, my wife and children and I place a very high value on life and the upholding of moral standards. God has not changed his laws, as evidenced by the timely rising and setting of the sun, the seasons, gravity, and even nature itself as seen in the animals around us.

I have much more to share, but unfortunately my time is up.

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, on two levels I am an enthusiastic supporter of this legislation. First, quite apart from minority rights and the charter, I believe unequivocally that gay and lesbian Canadians should have the right to civil marriage. Second, the protection of minority rights under the charter is a core responsibility of the government and a defining feature of our country. I will deal with each of these two points in turn.

I believe we should always seek to expand the rights of our fellow citizens as long as we do not thereby reduce the rights of others. We should seek to ensure that no group is denied full participation in society. As members of Parliament, we should not ask the question, why should we extend this right? Rather our question should be, why should we not extend the right? Let the burden of proof be on those who wish to limit fundamental rights.

[*Translation*]

Furthermore, in continuously seeking a better society, we must be open to changing norms and attitudes over time. There was a time when Canadians struggled with the notion of women voting and being considered equal under the law. Today, Canadians are proud that we can look to the famous five women whose statue stands here

on Parliament Hill for daring to imagine a better society. Those women are Nellie McClung, Irene Parlyby, Emily Murphy, Louise McKinney and Henrietta Muir Edwards.

Today, we cannot imagine Canada the way it was before these women made their contribution. I imagine that there were concerns at the time about what would happen to Canadian society or the Canadian family once women started voting. History has shown us that these concerns were without foundation and our society was enriched.

Turning now to the subject at hand, I understand that many of my constituents will disagree with me, and I will return to that disagreement in a moment. However, for me as an individual, I ask myself a simple question: will gay marriage reduce the rights of other Canadians? Will gay marriage in any way devalue my own marriage? No, not in my opinion or that of my wife. Will churches or other religious institutions be forced to perform gay marriages against their will? Again no. The Supreme Court of Canada has been crystal clear on this point.

● (1230)

[*English*]

Will this legislation harm children who will be brought up by two mothers or two fathers? Again the answer is no. Without necessarily accepting the premise of the question, it is my understanding that gay couples already have the right to adopt and that this legislation has no bearing on that right.

Will government employees be forced to perform same sex marriages against their will? Since the administration of marriage is carried out at the municipal level, I discussed the matter with Mr. Don Cousens, the mayor of Markham. He told me that if the situation arose in Markham he would simply find someone else to carry out the marriage and there would be no problem.

I conclude that the civil marriage act extends the rights of gay Canadians without diminishing the rights of other Canadians. Accordingly I am pleased to support this bill and I would do so whether or not I was a member of cabinet.

To light a candle from another that is already burning does not diminish the light of that first candle, but rather serves to brighten the room. It is fundamental to our society that we offer basic rights to all. It is fundamental that we strive to extend our interpretation of equality as far as possible.

Let me now move away from my own personal beliefs to address some of my constituents and other Canadians who have a strong preference for the traditional definition of marriage. I believe there are two points of principle that are at stake in this debate: the principles involved in an individual's faith or belief that marriage should be limited to individuals of the opposite sex; and the principle of protecting minority rights as guaranteed by the Canadian Charter of Rights and Freedoms.

Government Orders

Many Canadians will want to accept both of these principles: protect the traditional definition of marriage and protect the rights of minorities. The essence of my message today is that we cannot do both. We cannot have it both ways. We must make a choice between traditional marriage and the protection of minority rights.

[*Translation*]

In terms of individual faith and beliefs, it is important to stress that we are speaking only of civil marriage—marriage conducted by the state, not marriage by churches and other religious institutions.

The Supreme Court has made it absolutely clear that no religious group will be forced to conduct same sex marriage. Moreover same sex marriage is already the law in seven provinces and more than 5,000 such marriages have taken place in Canada. The only effect of the legislation will be to apply the law uniformly across the country.

Notwithstanding these points, many Canadians still oppose same sex marriage for reasons of faith and belief. While I have already made it clear that I am not one of those Canadians, nevertheless I respect those who have a different point of view.

[*English*]

The second point of principle involves the protection of the rights of minorities under the charter. The courts have determined that same sex couples have the right to marry. The government, of which I am a part, believes that the protection of these minority rights is fundamental to our democracy.

One cannot pick and choose between minorities whose rights one wants to defend and minorities whose rights one chooses to oppose. If we do not protect the rights of one group, in this case gay Canadians, we set a precedent that would make it easier to abuse the rights of other Canadians down the road. We do not want to embark on that path.

Let us not forget that before Canada had the charter of rights, there were times in our history when we failed to protect the rights of minorities. Think of the internment of Japanese Canadians, the Chinese head tax, and the abuses of aboriginal people. We must never return to a situation where the tyranny of the majority overrides the rights of minorities, and by that I mean the rights of all minorities, including gay Canadians.

More than a third of my constituents are Chinese and in making this argument to my Chinese constituents, I made use of the very old Chinese parable, due to Confucius, that I will share with members today.

Over 2,000 years ago the two greatest delicacies for the Chinese were the palm of the bear and the fish. Everybody wanted to eat both of these good things. When people could not have both, they had to make a very difficult decision. They could eat the palm of the bear or they could eat the fish. They could not eat both. Today the fish is traditional marriage and the palm of the bear is the protection of minority rights. My message is that one can choose one or the other, but we cannot have both.

It is not the place of a member of Parliament to advise constituents on matters of faith. I am not telling my constituents that they must support minority rights at the expense of their faith, that they must eat the palm of the bear rather than the fish. What I am saying is that

we must all choose one way or the other, and we cannot have it both ways.

Unfortunately, the Leader of the Opposition is misleading Canadians by telling them that they can have it both ways, that they can eat both the fish and the palm of the bear, and that they can enforce traditional marriage without overriding minority rights through the use of the notwithstanding clause of the charter. This is wrong. The courts in seven provinces have said it is wrong. In a letter to the Leader of the Opposition, 134 of Canada's leading legal scholars have said that it is wrong.

Some parliamentarians, such as myself, will have no problem supporting this legislation. Others, whose faith or core beliefs lead them to favour the traditional definition of marriage, must make a choice. Will it be traditional marriage or will it be the protection of minorities under the charter?

It is my hope and belief that the majority in the House will make their choice in the larger context of a free and equal society. We must remember that justice is blind. Whatever our personal views on this issue, we must ask ourselves if Canada will be enhanced or diminished by taking rights away from a group of our fellow citizens. To me, the choice is clear.

• (1235)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, it is a pleasure for me to speak to Bill C-38. I cannot help but think that, somehow, we are witnessing a bit of history unfold and times change.

If I am not mistaken, this is our 10th debate in the House on the rights of gays and lesbians. During each of these debates, we hear the same arguments, sometimes as questions, but other times as prejudice, unfortunately.

The government deserves credit for this bill. We must recognize that it takes a great deal of courage to introduce legislation on civil marriage between same sex couples, not just because this is a minority government but also because many people feel very strongly about this subject.

I also cannot help but think that we are able to discuss such a bill today thanks to people such as Svend Robinson, Michael Hendricks, René Leboeuf and activists who, throughout Canada and particularly Quebec, spoke out to make homosexuality normal, respectable and deserving of the support of parliamentarians.

One might wonder why men and women of homosexual orientation would want to marry. The bill responds to legal issues in the aftermath of a reference to the Supreme Court. It also follows on numerous challenges before appeal courts as well as courts of first instance. There are, of course, some legal realities behind this bill.

They are not, however, the fundamental reason why we, as parliamentarians, must support this bill. I have had an opportunity to discuss this with my colleague and friend, the hon. member for Charlesbourg—Haute-Saint-Charles, and I thank him for his work on this.

Government Orders

The first reason why this bill must be supported is, it seems to me, a matter of citizenship. I do not believe that homosexual men and women have different reasons for wanting to marry. Nor do I believe that motivations other than those for heterosexuals are involved in the debate.

We all know what it means to be in love. Two people feel right together. They see no one but each other, think only of each other, want to plan a life together. It makes no difference whether the two are homosexual or heterosexual.

People of homosexual orientation, like myself, consider marriage to have to do with fidelity, a shared life, mutual commitment, and support, all very important values.

Some day, our friends the Conservatives, those from the churches and others opposed to the bill, must explain to us how same sex couples' access to the most important lay institution after the schools is likely to weaken marriage. That is what I do not get about this debate.

I can understand that some people may be uncomfortable when they see two men or two women holding hands. I can understand that the homosexual reality is less present in some communities. Certainly, in a major centre like Montreal, Vancouver, Toronto or Halifax, it is virtually impossible to live one's life without knowing someone who is homosexual.

Today's debate is basically focussed on values.

● (1240)

Gays and lesbians are calling for the right to marriage, but there are no statistics on this. To think, until the last census we did not even know how many gays and lesbians there were in Canada. We certainly do not have accurate statistics on the number of people wanting to get married. However, one thing is certain, our responsibility as parliamentarians is to pass the bill that will give them this possibility, so that those wanting to get married can do so.

In my life, I have had three long-term relationships: the first when I was 20, the second when I was 25, and the third began a few years ago. Each time, in my experience as a gay man, I never felt as though the highs or lows of my relationships were any different than those of my twin brother, René, who is undeniably heterosexual—not polygamous, but heterosexual.

All that to say that some arguments do not stand up to scrutiny. The Supreme Court reference includes a paragraph which is very important, in my view, to our debates. It is paragraph 46 and it reads:

The mere recognition of the equality rights of one group cannot, in itself, constitute a violation of the rights of another. The promotion of Charter rights and values enriches our society as a whole and the furtherance of those rights cannot undermine the very principles the Charter was meant to foster.

Why is this paragraph so important? The Supreme Court clearly stated that there is no "conflict of rights".

When this debate began in 2002, 2003 and 2004, they tried to have us believe that if you were driven by a sense of religion, you could not subscribe to the idea of equality for gays and lesbians. I believe this is absolutely not true. No matter how a person expresses their spirituality, or identifies themselves with religion, I think that in this House we can vote for what I call a supreme value, a value at the

core of charters, rights and freedoms, in Canada and Quebec, and that is the right to equality. It is unacceptable to have two categories of people, who pay taxes, who take part in democratic institutions, who participate in community life, who are professionally involved and who do not have the same rights.

We heard the argument that recognizing the right of homosexual persons to marry would open the door to polygamy and polyandry, which would cause the disintegration of all marital relationships or committed relationships as part of a family.

I do not think that that is an honest argument because, frankly, is there one person who believes that the courts in B.C., Ontario, Quebec and elsewhere could have ruled that the lawmakers had to recognize same sex partners, had it not been for the right to equality?

The right to equality excludes polygamy and polyandry. Why? Because this concept that men could have more than one spouse is completely contrary to the right to equality. Women are considered to be so distinct that their relationships have to be legitimized, and using these as a mere bargaining chip within a broader type of relationship is completely contrary to the right to equality. I do not think that anyone in this House could find a court ruling or decision, in any way, shape or form, suggesting that the right to equality legitimizes polyandry and polygamy.

I will conclude with a wish: that this bill be referred as soon as possible to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, a special committee or a committee of the whole.

● (1245)

I hope that all parliamentarians will support this bill, which is a step in the direction of equality, gives respectability to homosexuality and in no way threatens families and the right to loving commitment.

[English]

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Madam Speaker, I will be objecting to the bill and I have four preliminary objections: first, to the title; second, to the preamble; third, to the consequential amendments; and fourth, to the so-called religious protection.

First, the title of the bill is an attempt to make a distinction between civil marriage and religious marriage and, as we know, is a distinction without a difference. The bill would profoundly change the meaning of marriage in society. It is simply an attempt to try and sugar-coat the bill a little bit.

Second, the preamble is equally dubious. It does not have the force of law and does not appear in any of the amended statutes. It will not be there for contextualization or interpretation by judges. It, too, is an attempt to sugar-coat the bill. Its shelf life diminishes precipitously with the passage of the bill.

Government Orders

Third, the so-called protection for religious officials is equally, in my view, worthless. There is not a scintilla of doubt that religious institutions and their officials would be the next line of attack. It has already happened. Members are no doubt aware of the Knights of Columbus case in Vancouver. Knowingly, or unknowingly, a homosexual couple tried to use a Catholic facility for a wedding but were denied the use of the facility. They instituted a lawsuit. It does stretch credulity to think that this was just happenstance. My guess is that they will succeed because the protections are only afforded to religious officials.

The clause for protecting religious officials, even if it passes, cannot stand because it implies that religious officials are bigots. A state cannot protect bigots from bigotry. If marriage is transformed, any official who, for religious reasons, defines marriage as being composed of two people of the opposite gender will be considered by society to be a bigot. However, because the state is all gracious and all knowing, it will allow these officials to pursue their faulty thinking and extend to them a fig leaf of legal protection.

Does anyone believe that this protection granted by the federal government in an area in which it has no jurisdiction, namely the solemnization of marriage, is worth anything at all?

It would certainly be better for the government to come clean and say, just as did the Supreme Court of Canada, that religious officials will need to rely on the charter for their protection.

Fourth, I have problems with the amendments that would need to be made to the existing law if the bill were to pass. It is like a massive game of dominoes.

Perhaps the most startling consequential amendment is the removal of the phrase "natural parent" from all statutes and replacing it with the phrase "legally recognized at law". This might not mean a great deal to some but once the bill passes the phrase "natural parent", meaning connection through blood, DNA or biology, will be replaced by the expression "legally recognized at law" which, in effect, means anything a court chooses it to mean.

In summary, I believe the title and the preamble are sugar-coating and of no legal force and effect. Were I a religious official or a religious institution, I would be bracing for an onslaught of legal battering.

Finally, the most devastating of all the changes are the consequential amendments that would delink a child from its biological heritage.

At the crux of the debate, however, is the question of whether we ought to deconstruct one of the most critical relational institutions in our society. Fundamental to the debate is a meaningful look at the role marriage plays in our society and how changing one of the fundamental elements of this social institution will affect the functioning of the institution. The question that must be asked is whether gender is a vital component of marriage and by removing the gender component we would be creating a different type of relationship with different underlying assumptions.

To argue for redefining marriage, one must first believe that the gender component is irrelevant. If gender is irrelevant, marriage, by extension, is an inherently couple centric love institution that exists

to serve the intimacy needs of adults. Many people have bought into this definition. It arises out of a rights based analysis by advocacy groups and it is how the marriage debate began. These advocacy groups, whose position the government initially opposed and now fully supports, convinced certain Canadian judges that marriage is nothing more than a love institution between two people.

• (1250)

In doing so, they argued that the criterion of marriage was only that which involved two people who love each other and that there was no reason these people must be of opposite gender. This is what is called a circular argument. A McGill University professor, Doug Farrow, pointed out in a recent booklet entitled "Divorcing Marriage: Unveiling the Dangers in Canada's New Social Experiment", "We need to notice that the main rights argument amounts to a nice piece of subterfuge. Its conclusion is that marriage must be redefined. This distracts us from the fact that marriage has already been redefined in the argument's first move. That is, a new category, "the close adult personal relationship", has been invented to provide a framework for our understanding of marriage. Once this framework is accepted, it follows that homosexual unions can be marriage-like and in that case, should qualify as marriage".

The courts initially resisted this line of argument for the redefinition of marriage on solid, historical, religious and cultural grounds. Ultimately, however, once having bought the conclusion that marriage is just two people engaged in a conjugal relationship, their reasons for resisting the argument collapsed. This is what is called a circular argument. We start with a premise that requires a redefined definition of marriage and, to no one's great surprise, we come to the conclusion that marriage must be redefined.

Margaret Somerville, the noted secular medical and legal ethicist, argues that the Government of Canada is proposing to change an inherent feature of a social institution. I would say that it is a critical feature. I would say it is a sine qua non, that which cannot exist without it: the opposite gender requirement. Doing so, Somerville argues, will have a direct impact on the life of the social institution, radically re-engineering marriage and directly affecting the work it does in society.

What will the implications of the engineering project be then for marriage? I will give three suggestions.

First, marriage will no longer act as a unique forum for interplay between men and women in which the gender gap is bridged to create stable bonds between men and women. Marriage is easily the best way in which men relate to women and is easily the best way in which women relate to men.

Second, marriage will cease to provide a social home for the powerful procreative ecology of this bond. Marriage is easily the best way in which children relate to their parents.

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Third, marriage will no longer be a unique forum for creating a stable community among children and their moms and dads and the larger society. Marriage is currently the one institution that attempts to enshrine the basic birthright of children to know that they are connected to their mothers and fathers as indicated in the United Nations Convention on the Rights of the Child. This new law of marriage formally rejects these pivotal elements as part of the objective core of marriage.

The Netherlands has had same sex marriage for the last five years. It should be noted that in the first three years of that bill, marriage declined among heterosexuals by 10% each and every year, and in the last year of 2004 it declined between 3% and 4%. There seem to be no other factors to explain this sudden drop in heterosexual attachment to the institution of marriage. Marriage is now dead in Denmark and 61% of children are born outside of marriage.

Quebec has had a form of civil union for a number of years now. Fewer and fewer heterosexuals are marrying. Fifty-eight per cent of children in that province are now born outside of marriage. All evidence suggests that children born outside of marriage have poor socio-economic outcomes and require far greater intervention by the state to compensate for parenting shortfalls. The birth rate in Quebec is demographically not sustainable and its population is contracting as in the Scandinavian countries. Absent in immigration, the contraction would be catastrophic: few marriages, fewer children; fewer children, fewer marriages.

It is my view that when a government and the courts embark on a social experiment of this magnitude, where preliminary evidence suggests accelerated heterosexual detachment from the fundamental institution of society, then the courts and governments have not served us well. Anything that destabilizes the institution, be it minor changes such as the change to the Divorce Act, creates more children born outside of the institution and accelerates heterosexual detachment from marriage.

I have outlined some of my objections: the redefining of a natural parent; the absence of meaningful democratic consultation; the false premise of the bill; and the dismissal as irrelevant all the historical, cultural and religious overlay to the institution. However my most serious objection is that this is not a Liberal solution, not a big *L* or a little *l* Liberal solution. This is a winner takes all approach so framed by the courts and adapted by the government is not respectful of diversity, pluralism or tolerance.

• (1255)

We live in one of the most culturally diverse nations on earth. We preach endless platitudes of respect for inclusiveness, tolerance, diversity and pluralism. The bill ignores the diversity of culture and ideas. It fails to include those who hold profoundly different views. It mocks pluralism by taking the most divisive of all solutions. It fails to explore the alternatives to the legitimate aspirations of gays and lesbians to have their relationships recognized and valued.

The bill is a divisive bill that would give overt preference to a specious rights analysis above all others. Ultimately it fails the test of what makes Canada great: liberal respect and accommodation for diversity of views and aspirations.

Mr. Mark Warawa (Langley, CPC): Madam Speaker, I am honoured to speak on behalf of my constituents in Langley, British Columbia, to this important issue facing all Canadians.

I told my constituents that I would listen to their positions on the same sex marriage debate and that I would represent them here in Ottawa. Langley residents have been loud and clear. The vast majority believe that the traditional definition of marriage should not be changed.

The people of Langley have had plenty to say about marriage. I have received thousands of letters, e-mails and cards and I will read one of them. It states, "We personally are opposed to the idea of amending the definition of marriage based on God's direction in his word. Marriage is not just a commitment between two loving people. We thank you for at least hearing from and being accountable to your constituents".

Over 3,000 Langley residents responded to my request for their input and 96% said that they wanted me to vote to uphold the traditional definition of marriage being between one man and one woman excluding all others.

Canadians want a free vote on this legislation. Why are the Liberals so afraid of a free vote? Parliament voted twice on the definition of marriage in the past five years. In 1999 the Prime Minister and many of the current cabinet ministers supported a motion that defended marriage as the union of one man and one woman excluding all others. It passed 216 to 55.

Two years ago the Prime Minister promised Canadian religious leaders that he would never permit the definition of marriage to be changed. Then, in 2003, the Prime Minister and many of those same cabinet ministers voted against traditional marriage causing it to be defeated. During the last election, only months ago, many of his cabinet ministers were again promising Canadians that they would defend traditional marriage. Promises made, promises broken.

The Liberal government does not want a free vote on this issue. It is also misleading Canadians in three major ways. First, it said that redefining marriage was a human rights issue. That is wrong. Second, it said that redefining marriage would erode equality rights under the charter. That is also wrong. Third, it said that the Civil Marriage Act would protect religious freedoms. That is also wrong.

Let us start with the human rights issues. Same sex marriage is not a fundamental human right. The United Nations Commission on Human Rights upheld a New Zealand court decision that same sex marriage was not a basic universal human right. No national or international court or human rights tribunal has ever ruled that same sex marriage is a human right.

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If the Prime Minister really believed that same sex marriage was a human rights issue he would have to force his entire caucus to vote for the bill. However the Prime Minister is only whipping his cabinet, not the entire caucus, to support the bill. The Prime Minister is aware that the decision of the United Nations does not support what he has been saying. Why is the Prime Minister whipping his cabinet? It is because without manipulated support the bill would fail and that would be embarrassing.

The second way the Liberal government is misleading Canadians is regarding equity rights. The Liberal government says that only equal access to civil marriage will fully comply with charter equity guarantees. It has also said that any institution other than marriage is less than equal. That is utter nonsense. Same sex unions have equal rights.

The Liberals would also mislead Canadians by saying that the Conservative Party is against equality rights. To the contrary. Let me be absolutely clear that the Conservative Party supports equal rights and benefits for same sex couples. We are the only party that believes in the Charter of Rights for all Canadians, not just a select few.

Many gay and lesbian Canadians have long term relationships. They contribute to our communities and pay taxes. Gay and lesbian couples have equal access to central social institutions, such as legal unions, and have equal rights.

The justice committee began studying the same sex marriage issue in November 2002. Many members and witnesses at that committee thought that the civil union option for same sex couples should have been explored further. We need to openly debate the potential for creating a civil union that could provide equal rights and benefits in accordance with the will of millions of Canadians.

Equal rights are not same rights. Canada has many instances where Canadians have equal rights but not the same rights. For example, child tax benefit cheques normally go to the mother and not the father.

• (1300)

Quebec says it is equal but not the same; therefore suggesting its distinct society clause. Men and women are equal but not the same.

The Supreme Court has not ruled that marriage must be redefined. The Supreme Court has not ruled that the definition of marriage must be changed to allow civil unions. The Supreme Court said that Parliament has the authority to redefine marriage if it so wishes. Canadians do not want the definition of marriage to change, but the government does, and it is ignoring the wishes of the majority of Canadians. By legislating changes to marriage to include same sex unions, is the government aware of the unintended consequences?

The government is misleading Canadians and is forging ahead with its social experiment, changing the Canada that we all know and love. It is changing historical religious definitions such as marriage without any thought of the consequences. The government wants to legalize marijuana, legalize prostitution, and take away charitable status from faith based organizations. Who knows what will be next.

The third way the government is misleading us is with respect to the protection of religious freedoms. Bill C-38 would not protect religious freedoms. The third clause is merely a recognition and has no teeth whatsoever. Saying that the civil marriage act would protect religious freedoms is dishonest and misleading.

The solemnization of marriage is a provincial jurisdiction. That is very clear, and the Liberals had their hands slapped by the Supreme Court. They were reminded of this in the draft legislation. If the Prime Minister really wanted to protect religious freedoms, instead of hiding behind the charter, he would have drafted amendments to the Income Tax Act and charitable status act. Before tabling Bill C-38, he had the time to draft amendments, but he chose not to. Instead, he has included a gutless clause hoping that Canadians would take the word of his scandal-ridden government.

The Liberal government is insulting the intelligence of Canadians. Canadians do understand the difference between provincial and federal jurisdictions. They do understand that the Constitution creates divided jurisdiction over marriage. To ensure consistency across Canada, the founders of Confederation gave Parliament the responsibility for the definition of marriage and for laws governing divorce. The federal government has traditionally relied on the legal definition of marriage, which until recently applied exclusively to opposite sex couples. The provinces are responsible for the solemnization of marriage, which includes licensing and registration.

Bill C-38 is not about human rights. It is about the Liberal government attacking religious rights. Jews, Christians, Sikhs, Muslims, Hindus and other faith based organizations are all vulnerable to activist attacks in the courts and human rights tribunals.

Canada's judicial courts and human rights tribunals have a near perfect record of finding against religious freedom rights, that are under attack by activists. We saw this in Oshawa where the civil courts ruled that a Catholic school had discriminated against the rights of Marc Hall by not allowing his boyfriend to the graduation dance. In Vancouver the Knights of Columbus were hauled before the B.C. human rights tribunal for cancelling a booking for a same sex wedding reception. More than 50 marriage commissioners have resigned or been fired because of their religious beliefs. They are not protected. What does this say? It says that religious freedoms are not being protected.

That is just the start. Marriage commissioners are giving up their livelihood because their religious beliefs are not being protected. Will teachers in faith based schools have to resign because they will be forced to lecture against their religious beliefs?

Government Orders

Already members of the Liberal government are describing religious institutions as being discriminatory and have argued that their charitable tax exempt status should be revoked. Shame on them. The attacks on religious freedoms by this intolerant, biased government have already begun.

Marriage vows are a bond with God. Marriage is more than just two couples uniting. God is part of it, and joining the union according to His will. God is present and part of the marriage. Marriage is a religious institution. That is what I am standing here to protect. I will be voting against Bill C-38.

● (1305)

Mr. Mario Silva (Davenport, Lib.): Madam Speaker, I am honoured to have this opportunity to address the House with regard to the civil marriage act, which represents a new frontier in equality and respect for all Canadians. In the life of parliamentarians, there are times when we are called upon to strive for higher ideals and to embrace change that often challenges long held and deeply entrenched beliefs.

Throughout history many of the greatest achievements in the cause of advancing human rights have had to contend with the most intense resistance. This is not necessarily because those who oppose are of poor character or choose to act out less than noble motives. Indeed, I believe that most people are at their core good and honourable.

Change can be difficult at times to embrace and there is a temptation to choose to do nothing in the face of the call to embrace a new way of thinking. Some may even react contemptuously to change of any kind and work to counter progress already achieved. The debate on this issue of civil marriage will be peppered with reference to freedom, equality and tradition.

However, at the heart of this debate is the reality that we are dealing with the lives of people who have for so long heard the message that they are different or even unworthy of equal treatment before the law. This debate is about the very foundation of our civil society, not about religious beliefs or the freedom to part with traditions as any citizen chooses.

The Charter of Rights and Freedoms extends to religious persons the freedom to refuse any action that is inconsistent with their conscience or beliefs. As a parliamentarian and a proud Canadian, I would sacrifice everything to preserve these inalienable rights. However, as a representative of all my constituents, I am also compelled to support measures that bestow equal treatment under the law to everyone.

Freedom and equality are not the exclusive purview of the few, but the cherished gifts of all citizens. One cannot be equal and unequal at the same time. Either we are all free and equal or none of us are. Let us ensure that freedom's call is answered once again and that we are not only the guardians of our nation's legacy of tolerance, but also that we count ourselves among the daring who have chosen not the easy path but the just road.

As the debate continues we are asked to remember that in the long struggle for greater human dignity and equality we are called upon to defy fear and to confront confidently those who obstruct our path. The road ahead is indeed challenging, but the greatness comes not

when we are certain of the path but when the journey allows us the choice between fear of change and the hope of daring to begin anew.

As a young man I recall the sense of accomplishment that Canadians experienced over 20 years ago when we watched the Charter of Rights and Freedoms become the foundation upon which our collective individual rights were enshrined. It was a great step forward for us as a nation and it showed that we had come of age.

The Charter of Rights and Freedoms has become part of the fabric of our nation and we all ought to abstain from attacks on this profound statement of hope and tolerance. The bill before the House extends to same sex couples the rights to have their unions recognized by civil authorities as valid relationships. In so doing, our civil society bestows recognition on these people, which they are entitled to as equal citizens under the law.

This bill by no means diminishes the value and worth of traditional marriage. The civil marriage act does in fact extend choices to all Canadians that until now have been exclusionary. Who among us would deny human beings the right to express their love and commitment to each other? I invite everyone to consider realistically the current status of same sex marriage legislation in Canada.

In jurisdictions across the country the right of same sex couples to marry already exists as a result of long fought court challenges. In Ontario, for example, we have seen the provincial attorney general already move to change laws to reflect this new reality. I ask all parliamentarians to consider the implications of refuting this legislation currently before us.

Are we suggesting that thousands of marriage licences already issued by municipal and provincial authorities be rescinded? Do we now maintain that these unions already acknowledged by legal jurisdictions are no longer recognized? Are we prepared to take away rights that have already been extended to gays and lesbians? Indeed, neither option is possible and we must accept that failure to pass this bill would ensure that the existing patchwork of legal approaches would continue to confuse the issue, and no doubt with further court challenges and more years of discord.

The civil marriage act creates an environment where British Columbians are treated with equality to the same degree as an Albertan or an Ontarian or Nova Scotian. Surely the role of a national government is to protect and ensure that all citizens are treated equally regardless of where they live in this great country.

● (1310)

During the national debate on this issue there have been expressions of rhetoric that have been divisive, sometimes less than forthright. It has been suggested this is not a matter for the courts and that their will is being cast arbitrarily on an unreceptive nation. Nothing could be further from the truth. The mere fact that we in this House are debating this matter underscores the supremacy of Parliament.

The courts have shown us that it is patently unfair to deny the full rights of participation to any citizen of Canada. These judicial decisions are not limited to one jurisdiction, but should apply to court rooms across the country.

Government Orders

We have sought the advice of the highest court in the land in order that we might benefit from its wisdom. The ultimate choice remains ours and history is asking us to render a verdict which upholds the virtue of equal treatment for all.

There have been suggestions that Parliament invoke the notwithstanding clause to overturn the decision of the courts. Imagine future generations looking back on these times and wondering how well meaning people would have ever used this mechanism to deny the rights of full citizenship to any Canadian.

My colleagues in the House are being asked to take a giant leap forward on the road to equality. This is not a time to evade our responsibility, now or for future generations. I call upon members to be bold in spirit and in action as we confront this challenge.

When the House votes on this bill, we will do more than record our decision on this matter. We will redress generations of Canadians who have felt the pain of inequality. What we say to them on that day will be supported by how we vote. Will we be inclusive? Will we invite all Canadians to the table as equal partners? The decision is ours. The hour will soon approach when what this country strives to achieve will be reflected in a single vote.

I ask all members to ponder the importance of this decision, to search deeply within ourselves, so that we may move forward with commitment and understanding, secure in the knowledge that we are being called to convey to the world all that this great nation can be now and in the years to come.

In many parts of the world gays and lesbians have to contend with repressive measures that range from mild to the most extreme. Let Canada be an example of equality and tolerance that demonstrates to all nations our commitment to fairness and equality. Let us be the voice of equality, that example of tolerance that is the highest order of leadership. Who among us cannot comprehend what it has been like for those forced to travel the road of inequality and isolation, who have for so long been denied acceptance?

As we move nearer to a vote on this issue, I ask only that members reflect on the essence of this debate. It is about fellow Canadians who wish to take their rightful place as equals. History will remember those who follow their conscience during this debate, but we may be assured that generations to come will hold us to account as we forge ahead.

I express sincere gratitude to my colleagues for their abiding commitment to do what they feel is right. We all know that these are courageous personal decisions. In the final analysis I intend to vote in favour of the bill, not because the choice is easy but because it is just.

We are a nation of people who can demonstrate to the world that we can shine as the example of tolerance and compassion. I intend to vote yes because I owe it to those who have fought for this so valiantly, to those who await our verdict on the equal value of their citizenship and most importantly for generations of Canadians to come.

The world sees Canada as a nation of unimaginable beauty with endless flowing rivers and mountains that reach to the sky. We are also a nation that instills hope for the world that so desperately needs

it. This is the hope of those who seek tolerance, understanding and fairness. Let us be the Canada that we have always known we can be.

Let the light of Canada's soul cast its glow across a troubled world and be the beacon of freedom and equality that all nations will dare to compare themselves to as they too strive for higher ideals. I intend to support the civil marriage act not because the decision is easy but because it is the right thing to do.

•(1315)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Madam Speaker, today I rise to speak to Bill C-38. This issue has generated a great deal of interest in my riding and across Canada. In fact, I have received more correspondence and more e-mails on this topic than almost all of the others I have spoken about in the House combined.

Canadians are now looking to us in the House to make choices and decisions that reflect their beliefs, their religions and their rights.

From the outset, I wish to say that my personal view is in support of the traditional definition of marriage, that being exclusively between a man and a woman.

Just as quickly, I wish to also state unequivocally that I believe two persons of the same gender can and should be able to live in a legal, committed, loving and recognized relationship. I have heard from my gay and lesbian constituents and I can honestly say I realize how personal this debate has become for them. I have heard devastating tales of workplace discrimination, social discrimination and most tragically, discrimination from within their own families. All of these are unacceptable and must not be tolerated, ignored or excused.

Having heard the arguments and comments from both sides of the debate, I believe we can all be equal under the law without having the definition of marriage altered. I firmly believe that so long as equal rights, obligations and responsibilities are conferred on all registered couples, there lies no discrimination. I also believe marriage, the "m" word if you will, should remain as a reference for heterosexual couples only. This I believe is in keeping with our charter which does provide guarantees for religious freedom and in turn, respect.

Nonetheless, I have also maintained that on issues of conscience such as this, I will refer to the direction of my constituents. This is not an abdication of my responsibility; it is my duty. I am elected to represent my constituents and I have promised to do so.

To ascertain their opinions I have used my household mailings for a survey, have tallied telephone calls from all constituents, correspondence and also the many conversations I have heard around the riding. Overwhelmingly, over 90% have demanded that I vote against redefining marriage. I made a promise to represent them in the House and I will. I will be voting against Bill C-38.

Government Orders

On a final note specifically to my gay, lesbian, transgendered and two-spirited community, I would like to assure them that I will continue to ensure that their registered relationships enjoy the same legal rights, responsibilities and obligations as other registered relationships. They play an important part in my community and they deserve the same respect as their neighbours. Any less is unacceptable.

• (1320)

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Madam Speaker, thank you for the opportunity to speak to Bill C-38. There have been a number of very important interventions by colleagues from all sides of the House. I wish to state right from the outset that I will not be supporting Bill C-38. I emphatically oppose a notion which in my view is not based on good legislation, let alone judicial interpretation, to change something which I believe is at the foundation of society as we understand it today.

The decision to bring about the legislation today, defined as a change in the common law definition of marriage, took place over the years and, I would suspect, is as a result of several various challenges which have taken place under the charter. Certainly this is setting aside some pretty important fundamental principles about who we are as a people and how we have come here as a people.

The institution of marriage in my view is not something on which one can make a claimed right. It is unique and is deserving of respect and dignity, dignity because it is not designed to be offensive. No more than I could ask to receive veterans benefits because I have not participated or donned a soldier's uniform for this country, could I make a claim of opposite sex to enter into that relationship.

It is very clear to us over the years that what we have seen in terms of decisions by various courts at a lower level may have been arrived at obviously by someone finding a right. In 1981 I sat here in the galleries working for Liberal cabinet ministers. I recall very well the debate which led to the ratification of the Constitution. It became very clear that the authors and architects of that Constitution, of our Charter of Rights and Freedoms, never intended to have the kind of effect that we see today.

In some debates I have heard some suggest that the previous prime minister, the right hon. Jean Chrétien, referred to it as the living tree, our charter and Constitution. In fact it had nothing to do with the charter. That was a commentary that was made during the 1932 aeronautics decision by Lord Sankey. He was referring in one way or another to the Persons case. The Persons case had to be tried at the judicial privy council in England in order to get resolution.

I am very concerned that we have seen an evolution of belief in the country that somehow a claim for rights suddenly means the expunging, expelling or diminution of other rights. The rights of others who have and who hold true according to their faith and belief, which is not necessarily always religious, is something that is extremely important and one which cannot be diminished and in my view cannot be negated.

I have seen several decisions in which Canada, as was suggested by the member for Scarborough Southwest earlier this month, has become the first nation to recognize marriage and the claim to marriage of opposite sexes as being a right. This is without precedent

around the world. It fundamentally erodes what has been for millennia a definition which most people in the world understand universally today. It was not by accident when cultures and various peoples came together and discovered each other, that of all the things that may have been different about them, the affirmation of marriage through a ritual of a right was common in almost every single interchange between societies.

There are those who hold true to the marriage issue as being simply religious. While that is true, and it is certainly true for me as a practising Roman Catholic, it is not necessarily and uniquely a matter that is strictly a religious practice. It has sociological and anthropological implications. I recall that the former editor of *Xtra* magazine was very clear as to what her views were on marriage. She believed that the community should not be pushing this. I believe her name is Eleanor Brown. She wrote in 2002 after the first decisions:

I would prefer that gay men and lesbians not get married because it's a heterosexual institution. We have our own culture and we need to keep it strong and healthy in this day of increasing assimilation.

• (1325)

There is something very important about the evolution that I have seen as a member of Parliament in the last 11 or 12 years. This is the same time, Madam Speaker, that you and I have been members of Parliament.

There has been the decision to bring in the controversial words "sexual orientation" which led to the change to the Canadian Human Rights Act, notwithstanding the fact that guarantees would be given that it would not take place. We then saw from Bill C-41 to Bill C-33 changes in terms of the modernization of benefits. We heard from the justice minister in 1999 that notwithstanding those changes, which were promised never to happen, there would at least be the protection of marriage.

It became very clear to me that despite the guarantees that are given on paper and by this House as to what the next level of protection is going to be, frankly, it is not worth the paper it is written on. A court down the road cannot be precluded by this Parliament from making decisions that will ultimately affect for all intents and purposes and for the reasons suggested by the member for Scarborough—Guildwood, the hon. Parliamentary Secretary to the Minister of Finance, and will not even guarantee, as it cannot guarantee, the practice of those who are prelates and who seek religious protection.

We know that is a charter matter. It is a matter that can certainly be discussed by Parliament, but it is a decision nevertheless that takes all considerations to be put aside. We need to ensure that there is above all a modicum of understanding and respect, and that issues of tolerance and pluralism are not based on issues of moral relativism.

We must ensure that this Parliament remain ever true to the rights and protections and notions of all Canadians. It means that wading into this debate of suggesting that we are going to somehow right a wrong may in itself be the wrong direction and wrong-headed.

Government Orders

I ask Parliament to look at issues based on common sense and the virtue and value of this very fragile institution. Though there is new wisdom from the Ontario court and from new courts as to what a human right may constitute, new wisdom that upends tens of thousands of years of practice and right, regardless of religion, I think we have an obligation to be sincere, direct, open and honest about what the institution of marriage and its capacity is.

It is a capacity that cannot be replicated in any other form. That is not discrimination. That is reality. No more that I could wish that the sun rose in the west and settled in the east, or that I would want the earth to be flat, I cannot accept for a moment that the institution of marriage is changeable to someone's demand for a right.

I believe very strongly in the issues that are of concern to our world, whether it is my work in terms of challenging my own government on hepatitis C when it was very unpopular to do so, or when I was one of the first members of Parliament to bring together the need for anti-retroviral drugs for AIDS to remedy the situation in Africa. On this issue, I believe as far as marriage is concerned that we must be prepared to say there cannot be a one size fits all. Despite those who believe that the charter is a living document that can change rights at will, I would respectfully submit from time to time that the tree needs to be pruned.

In this case, rights do have with them responsibilities and obligations to the truth and to ensure that above all we present legislation that is important, that addresses the true needs in this country, for instance, the needs of the aboriginal people. There are issues such as poverty and housing. There is the problem of racism. Those are issues where we need to work together as a model for Canada.

The institution of marriage is one that deserves dignity and respect. For all those who have been married in the past, we must accept the consequences of now seeing the potential through this Parliament of changing our ideas.

What is it in the past five years, what new wisdom is there today to suggest that what this Parliament decided by a five to one margin should now be suddenly different?

It seems to me that while there may be a willingness to be generous and to accommodate and to have an opportunity to bring in everyone, we may be doing so at the risk of offending not just people, but that we are also affecting the truth. The institution of marriage guarantees society. It is the main vehicle by which we will continue in the future, by which this Parliament is relevant.

• (1330)

I am one who champions the issues of rights. I fundamentally believe this is not an issue of rights. Regardless of why a superior court judge or an appeal court judge in Ontario, appointed by the previous prime minister, would suddenly decide otherwise is beyond me. However, I would also suggest that it is Parliament's opportunity to say no to what I believe is bad legislation and to send a message that we do have indeed, as the justice minister suggested, a constitutional democracy. It is time to put democracy, common sense and truth back into that equation.

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Madam Speaker, the issue of redefining marriage is one of the most significant matters that this Parliament is and will be facing for some time. Its significance lies in the fact that the definition of marriage also defines a social institution that is one of the foundations of our society. It is the institution designed to achieve the conjugal goals of sex bridging, generativity, caregiving and connecting children to their mothers and fathers. The bill before us channels marriage away from these goals. Hence, the redefinition of the word, significant as it is in its own right as a means of clear communication, also contains within it the reorganization of our society.

Given the significance of the matter before us, it is incumbent upon us to apply maximum due diligence in the consideration of the issue at hand. The due diligence requires a careful study of the facts of the matter, seeking knowledge, understanding that knowledge and applying wisdom in deciding the best application of that knowledge.

Wisdom must be sought; it is not achieved automatically. It requires much thought and study and includes the integration of one's beliefs and values into the making of major decisions. For us lawmakers, it also requires the integration of the culture and beliefs of our society. As lawmakers for this land, any decision that involves the redefinition and reorganization of one of our society's fundamental institutions requires the knowledge, understanding and application of the primary source of wisdom for Canada.

What is the primary source of wisdom for Canada? No, it is not the Liberals. It is not the Conservatives. It is not any political organization or person.

In the search for the source of wisdom, I discovered that the Charter of Rights and Freedoms in the Canadian Constitution Act of 1982 provides the answer.

The charter begins:

Whereas Canada is founded upon the principles that recognize the supremacy of God and the rule of law.

Following these words, the charter specifies the "guarantee of rights and freedoms".

Consistent with this provision in the Constitution, the Speaker or Deputy Speaker on every day that Parliament is in session reads at 11 a.m. on Mondays, 10 a.m. on Tuesdays, 2 p.m. on Wednesdays and 10 a.m. on Thursdays and Fridays these words:

Almighty God, we give thanks for the great blessings which have been bestowed on Canada and its citizens, including the gifts of freedom, opportunity and peace that we enjoy. We pray for our Sovereign, Queen Elizabeth, and the Governor General. Guide us in our deliberations as Members of Parliament, and strengthen us in our awareness of our duties and responsibilities as Members. Grant us wisdom, knowledge and understanding to preserve the blessings of this country for the benefit of all and to make good laws and wise decisions. Amen.

The prayer does not specify any particular law or decision that members are called upon to make. It recognizes that members need knowledge, understanding and wisdom from God. The prayer is not just a ritual. It has meaning, particularly because it is followed by a moment of silence for personal reflection.

Government Orders

I expressed my personal need for wisdom from God in ultimately deciding the substance of Bill C-38. For me, the particular significance of the redefinition of marriage and exercising due diligence is the need to try to recognize and evaluate the implications and possible consequences of such a redefinition.

There is little doubt that it would change the role and function of the institution of marriage in our society. It is not obvious what those changes would be. Among the matters to be considered are answers to questions like this.

First, how will Canadian society fare when it is no longer able to offer any special recognition in law or public to a form of life so central to human experience and, indeed, to human reproduction?

Second, will a transformation of marriage into a close relationship regime continue to erode its social significance for future generations?

Third, will marriage continue to decline as the centre of gravity for men and women seeking to form a stable life together?

Fourth, will these men and women have the social and cultural supports they need to help bring children into this world and to rear a family?

Fifth, will a reconstitution of marriage ratify a reproductive revolution that will kill any public commitment to maintaining relationships between children and their natural parents?

Sixth, will it set in motion new developments that will open the way for further deregulation of marriage and parenthood?

These are some of the questions that Daniel Cere, director, Institute for the Study of Marriage, Law and Culture in Montreal, asks.

•(1335)

There are those who argue, and in fact in the House, that such questions merely complicate an already thorny issue and should not be asked. To not at least debate and try to find answers to these questions and other questions that the redefinition of marriage evokes really means that debate on the matter should be neutered. Such an argument suggests that one should simply take a position without even considering possible consequences of the position taken either for oneself or for society. Such an argument is intellectually dishonest and at best a contradiction and at worst a denial of the very foundation on which the Constitution of Canada rests.

A law that has the potential of eroding one of the foundations of our society must be considered with the utmost gravity and demands that the best thinking of which we are capable coupled with the realization that the wisdom of God must be sought in humility and sincerity.

I believe that seeking wisdom from God with all our hearts will be rewarded. Let us all seek it.

I quote from Jeremiah 29:13: "...you will seek and find me when you seek me with all your heart".

[*Translation*]

Ms. Françoise Boivin (Gatineau, Lib.): Madam Speaker, today I want to talk about alternative approaches proposed in response to the government's approach in Bill C-38. Even if many things have been said and written about this subject, there still appear to be some misconceptions about approaches with regard to granting equal access to civil marriage for same sex couples wishing to demonstrate the same level of commitment.

Many people, including members of this House, would like to think that there are a number of approaches. This is not true. Our approach is based on Canada's federal constitutional framework and its framework of parliamentary democracy, as governed by the Canadian Charter of Rights and Freedoms. These two aspects of our governance structure provide a legal and constitutional framework that determine what those approaches may be.

I will illustrate this point by examining the three major approaches initially proposed in the November 2002 discussion paper, tabled by the then Minister of Justice. The first approach, which, by the way, remains popular, is to preserve the word "marriage" for opposite sex couples and use a term other than "marriage" to recognize the relationship between same sex couples wishing to make the same kind of commitment. The expression "civil union" is the most popular.

All the rights and responsibilities associated with this civil status are identical and the only distinction would be the word used to describe that relationship. Many people find this approach extremely attractive. For example, those who consider marriage a religious ceremony, and the union between a man and a woman to the exclusion of all others, could support this approach. They could not necessarily support the legal recognition of same sex unions, but a balance could be achieved since sex couples, with parallel rights and responsibilities, would receive recognition. However, marriage would be reserved for opposite sex couples only. So, same sex couples would be treated differently but equally.

Other countries, including a number of Scandinavian countries and France, have adopted such a parallel system, which is considered a reasonable compromise for such a controversial issue. Why not learn from their experience and create such a system in Canada? The answer is that this approach is no longer possible, given Canada's legal and constitutional framework. The discussion paper was published before the numerous rulings by courts in eight provinces and territories, which have interpreted the meaning of equality in this context, even in 2002.

The working document, however, indicated that this approach would likely not be possible without recourse to the notwithstanding clause. The courts have now confirmed that the heterosexual definition of marriage is unconstitutional and clearly infringes on the Charter guarantees of equality. Although the Supreme Court has not stated its opinion on this matter, the question nevertheless still requires an answer.

Government Orders

The Supreme Court of Canada did, however, make it clear that the decisions reached in eight provinces or territories are binding. Consequently, the only way of restoring the heterosexual definition of marriage to the law, a definition that is no longer legally in force in those eight provinces or territories, would be to reverse these decisions, which would require use of the notwithstanding clause.

The British Columbia and Ontario courts of appeal have both examined the possibility of a civil union as an alternative, and have found it to be less than equal and therefore unconstitutional. The Ontario Court of Appeal declared that allowing people to choose a same sex partner and solemnize their union is not an adequate replacement for the legal recognition of that union.

The second option proposed by the document would be for the federal and provincial governments to withdraw totally from marriage and leave it wholly in the hands of the religious authorities. Instead of having a legal or civil marriage, there would be only the legal status of a civil union, available on request for couples of the opposite sex or the same sex desirous of having the civil rights and responsibilities of marriage.

Should these couples wish to be considered married and not just living in a civil union, they could then choose to go to their church, synagogue or mosque to be married in a religious ceremony. The religious authorities would then have to decide whether the couple met all the criteria for a religious marriage before marrying them. The marriage itself would be valid for all the purposes of the requirements of that religion, but with no legal effect whatsoever.

This option may seem quite attractive at first. It appears to offer the same treatment to all couples, whether heterosexual or homosexual, and would therefore comply with the principles of equality contained in the charter. What is more, many would see this as reinforcing marriage as a purely religious institution. If looked at more closely, however, the problems will be seen to greatly outweigh the advantages.

• (1340)

First of all, no one in the world has adopted this model. Is it because no one else thought it would be a good idea? No, not really. This option was rejected by all major religions when their representatives appeared before the standing committee in 2003. None of them were prepared for religious marriage no longer to be legally binding.

It is easy to see why. What would happen if a person decided to marry someone while living in a union with someone else? The law would no longer have any jurisdiction to protect vulnerable spouses or children from religious marriages, since it would have no jurisdiction over religious marriage.

In Canada, through the Constitution, only the provinces and territories have jurisdiction over civil unions, as confirmed by the Supreme Court of Canada. To get out of the business of marriage, Parliament would have to pass a bill declaring that no is legally able to get married for civil purposes in Canada. Can you imagine such legislation? How would we explain to Canadians, to our own parents and grandparents, that they are no longer married in the eyes of the law?

The other countries that have adopted a parallel civil union system for same sex couples are unitary states, not federal states like Canada. In those countries, complete responsibility for marriage, the celebration of marriage and civil unions is in the hands of the national government.

In Canada, the federal government is limited to only the substantive aspects of marriage, that is, the capacity to marry. The procedure and celebration of marriage and civil union are in provincial hands. Thus, any system to replace civil marriage would have to be established through a coordinated response of all 13 provinces and territories. History tells us that such a coordinated response is so rare as to be virtually impossible.

What would this mean for the Canadian people? Perhaps more access to survivor benefits, but certainly not more protection in the Divorce Act concerning support payments for children, custody and visiting rights. If marriage no longer existed, there would no longer be any federal jurisdiction if such new civil unions break down, which could lead to a patchwork of disparate laws, varying with province of residence, and probably no recognition of these new civil unions outside Canada, in a different country of residence or where holidays are taken.

Denying all opposite sex couples the opportunity to marry in order to refuse it to a few same sex couples would be an extreme way to resolve the problem of equality. That would be replacing one injustice with a greater one to opposite sex couples. Thus, it is not at all surprising that no other country in the world has taken a step down that path.

I return to the very beginning. We have before us two possibilities: we can move forward and provide uniform legislation in this field, by adopting the government's bill, or we can go backwards, reversing the decisions of the courts and restoring the traditional definition to its position as the law of Canada by using the notwithstanding clause. This would make it possible for the government to declare specifically that an act of Parliament would be in force even though it violated one or more fundamental freedoms, one or more fundamental rights to equality provided in the Charter.

To do that, Parliament would first have to admit that it is prepared to discriminate against same sex couples who want to demonstrate the same degree of commitment as other married couples. That is how it works.

Those members who vote to use the notwithstanding clause must realize they will be recognizing publicly the discriminatory nature of the legislation, but insist it be enacted, despite its impact on the rights of minorities protected by the Constitution. This will not end here. Parliament will then have to review the legislation every five years to determine if it will continue such deliberate discrimination.

Consequently, this approach will not lead to a final solution to this problem, but rather will serve as a temporary measure only. Every five years, perhaps indefinitely, the members of this House will have to pass legislation supporting discrimination, until a Parliament finally rejects this backward approach and re-establishes the equal rights conferred by the Canadian Charter of Rights and Freedoms.

Government Orders

I find this aspect very troubling. The government believes that using the notwithstanding clause to overturn charter rights is not in keeping with responsible leadership. It puts all minorities at the mercy of potential and deliberate discrimination, via legislation.

● (1345)

Today, we are talking about civil marriage for same sex couples, tomorrow, who knows, it could be persons with a handicap. Canada has a long history of tolerance and respect for diversity. Many countries envy our pluralist society.

That is why adopting this bill is the right thing to do. Bill C-38 establishes a fair balance by ensuring that a minority group in our society, which has long been marginalized and historically excluded, can finally have equal access to civil marriage, while protecting the longstanding freedom of religious authorities to marry only—and I repeat, only—those who meet their requirements. In my opinion, no other approach in the Canadian context will do.

[*English*]

Mr. John Williams (Edmonton—St. Albert, CPC): Madam Speaker, on the issue of same sex marriage it seems to me that the Liberal government, first under the leadership of Jean Chrétien and now under the leadership of the Prime Minister, is pushing ahead to change the definition of marriage, which is the most fundamental and historic of all institutions in our society, and define marriage not as a union between a man and a woman but as a union between two persons. This new definition, of course, would allow couples of the same sex as well as couples of the opposite sex to claim the status of marriage.

My position on same sex marriage is clear and consistent. I will not support any change to the definition of marriage. I believe that marriage is a union of one man and one woman to the exclusion of all others.

To support my position, we can all agree that since time immemorial in every part of the world and at all times in recorded history every society has recognized and celebrated the public commitment by one man and one woman to each other and called it marriage. It is not for me as a member of Parliament to respond to some temporal pressures and overturn the judgment of history in all parts of the world, in all cultures and at all times.

If we are to be governed by the rule of law, concepts and words that define these concepts, the definition must be consistent within society. We have always taken marriage to be the public commitment by a man and a woman to each other.

There are many kinds of sexual relationships today: married relationships, common law relationships, casual relationships, same sex relationships, premarital relationships and extramarital relationships. Each one of these describes a different kind of conjugal relationship, but only one is marriage.

I will use the analogy of professionals. There are many kinds of professionals in our society. There are lawyers, doctors, engineers, accountants, architects and so on. Each one is a professional, but a lawyer is not a doctor and an engineer is not an accountant.

While there are many different kinds of conjugal relationships, marriage covers only one definition. Marriage defines a relationship

of two people of the opposite sex who have made a public commitment to support each other to the exclusion of all others. Every other sexual relationship is defined by its own words. For that reason, a public commitment to a same sex relationship should be defined in another way.

Society now recognizes that these relationships exist and has extended the same benefits to committed same sex relationships that it has extended to committed heterosexual relationships. There is the equality that they have been demanding.

There are those who say that it is a human right to be able to marry a partner of one's choice, but marriage is not a human right. A human right is an inalienable right, enforceable by law for anyone at any time under any circumstances, from the day we are born to the day we die. Marriage is a commitment and an obligation that men and women enter into on a voluntary basis; it does actually require, before we can get married, that we find somebody who will say yes.

There are many people who would want to marry yet have no recourse in law to do so. We do not allow our children to marry. In fact, I believe that this bill should list a minimum age, because we do not want and will not tolerate nor allow children to marry. In addition, we do not allow close relatives to marry. Therefore, marriage is not an inalienable right enforceable by anyone at any time under any circumstances. Therefore, marriage is not a human right. It is a commitment of choice.

Let us clearly understand the response by the Supreme Court. The first question posed by Mr. Chrétien to the court was, "Can the Parliament of Canada enact the proposed legislation containing two clauses?" The Supreme Court said yes to clause 1, because that is clearly within section 91 of the Constitution Act of 1867, and it said no to clause 2, because it falls within section 92 of the Constitution Act of 1867, which is provincial jurisdiction.

● (1350)

On the second question posed by Mr. Chrétien to the court, "Is this proposed legislation consistent with the Charter of Rights and Freedoms?" , the Supreme Court said that if the federal government wants to enact this legislation—and note that I say if the government wants to enact this legislation, not that it must enact this proposed legislation—it is giving more rights to more people. Therefore, using the court's language, it "flows" from the Charter of Rights and Freedoms: giving more people more rights cannot contravene the charter. I want to emphasize the statement by the court to the government that if it wants to enact the legislation, it may do so. There is no compulsion. There is no requirement.

The Supreme Court responded ambiguously to the third question regarding the guarantee of religious freedom and the protection of religious officials from being compelled to perform a marriage between two people of the same sex. The court said:

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Absent unique circumstances with respect to which the Court will not speculate... religious freedom in s. 2(a) of the Charter [of Rights and Freedoms] is broad enough to protect religious officials from being compelled to perform...marriages that are contrary to their religious beliefs.

I underline the words “absent unique circumstances with respect to which the Court will not speculate”. The court would not give an ironclad guarantee on religious freedom for officials of religious organizations. I would like members to note that it was absolutely silent on any protection for people who have religious convictions, who are employed as justices of the peace and who could be asked to perform same sex marriages.

As we continue to more broadly define issues regarding morality, we must, by definition, constrain the freedom of those who believe in upholding the current morality. We cannot expand one without constraining the other. It appears that the Supreme Court is saying that secular rights trump religious rights when it comes to the Charter of Rights and Freedoms.

Jean Chrétien gave us an assurance that if the Liberal government enacted the proposed legislation to allow marriage for same sex couples, he would also guarantee religious freedom and not require religious officials to perform same sex marriages. Based on the reference reply by the Supreme Court, the federal government cannot provide this assurance for religious freedom. Therefore, in my opinion, the federal government should not proceed with the introduction of this legislation.

So where are we today? By virtue of inaction and lack of leadership by the Liberal government, same sex marriages are the law of the land in half the country and not the law of the land in the other half of the country. The right of Canadians to express their religious opinion that marriage is only between a man and a woman is being constrained.

From the reply of the Supreme Court to the reference, Parliament has the right to define marriage any way it wants since that falls within its authority, and the government may use that authority to define marriage as a union between two persons. The Supreme Court said that was okay.

Let me say again that based on the response by the Supreme Court the government cannot deliver on its commitment to freedom of religion. For that reason, I believe that the government should refrain from proceeding with legislation to change the definition of marriage at this time. However, if the government does proceed with the legislation to change the definition of marriage, Parliament should defeat the proposed legislation.

STATEMENTS BY MEMBERS

● (1355)

[*English*]

ROYCE FRITH

Hon. Dominic LeBlanc (Beauséjour, Lib.): Madam Speaker, my colleagues will rise today to commemorate International Francophonie Day, but I would like to pay my respects to a former parliamentarian who played a critical role in the development of the vibrant bilingual and multicultural country in which we now live.

The Hon. Royce Frith, who passed away last Thursday, is best remembered by most of us as a member of the Senate from 1977 to 1994 and as Canadian High Commissioner to Britain from 1994 to 1996.

However, well before these days, the Hon. Royce Frith, who was born in Montreal, made a name for himself in the 1960s as a member of the Royal Commission on Bilingualism and Biculturalism, which laid the foundation for the functional bilingualism we now appreciate in Canada.

[*Translation*]

That is why I think that it is so important to highlight the outstanding contribution made by the late Royce Frith to Parliament and Canada. This remarkable man will be sorely missed.

* * *

[*English*]

CURLING

Mr. Rick Casson (Lethbridge, CPC): Madam Speaker, over the years I have had the pleasure of being a fan at a number of Canadian curling championships, known to all as the Brier.

It is always a show of great skill and sportsmanship where every game starts and ends with the teams shaking hands, where all good shots, regardless of which team makes them, are cheered, and anyone, either fan or competitor, who shows poor sportsmanship is chastised. The mascot, Brier Bear, is loved by all, including my two year old granddaughter Kaitlyn.

This year's Brier in Edmonton was the first hosted by Tim Hortons and set an all-time attendance record of 282,000 fans. The televised final between Randy Ferbey of Alberta and Shawn Adams of Nova Scotia was watched by 1.3 million Canadians.

Congratulations to the Ferbey rink, that great team from Alberta, for the fourth Brier victory as a team, and to Randy Ferbey for his sixth win as a player.

I know everyone in the House and fans across Canada wish them luck representing Canada at the World in Victoria in April. By the way, my money is also on Randy, Dave, Scott and Marcel to bring home Olympic gold from Italy in 2006.

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● (1400)

[*Translation*]

INTERNATIONAL DAY OF LA FRANCOPHONIE

Mr. David Smith (Pontiac, Lib.): Madam Speaker, every year on March 20 we are reminded of the reality of the Francophonie, a language-based community spread over five continents. It represents an original and voluntary effort to bring together countries which share the use of the French language.

A variety of tools have made it possible for member states to enjoy important exchanges in everyday life, starting with interactions between populations so far apart geographically.

Thanks to a variety of francophone institutions, many exchanges have been possible in such areas as education, agriculture, energy, credit cooperatives, song, film, literature and sports.

Powerful communications tools, such as TV5, now relay the actuality of these exchanges.

In addition to the cultural connections, francophone exchanges have resulted in Canada's setting up a number of development cooperation initiatives francophone countries.

Long live the international Francophonie.

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SEMAINE DES TRAVAILLEUSES ET DES TRAVAILLEURS SOCIAUX DU QUÉBEC

Ms. Nicole Demers (Laval, BQ): Madam Speaker, last week was dedicated to the social workers of Quebec. There are more than 6,000 social workers in every region of Quebec working with individuals, families, groups and communities to provide them with the tools to achieve their maximum potential in their day to day lives.

They work at solving relationship difficulties and personal crises. Social workers clarify the needs of their clientele, identify the source of their problems and find solutions, or provide referrals to the appropriate resources.

As the Bloc Québécois critic for the family and caregivers, I would like to thank the social workers, who improve the quality of life for thousands of families and individuals.

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INTERNATIONAL DAY OF LA FRANCOPHONIE

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Madam Speaker, on this international day of La Francophonie, I want to point out that Canada's efforts with La Francophonie aim above all to affirm the political, cultural and economic values dear to Canadians.

Some 40 member countries of La Francophonie are developing nations. Of these, 22 are among the 28 least developed countries. We want to accelerate their integration into the global marketplace.

Development aid and debt relief alone cannot solve all development problems.

We must also take into consideration the interests and concerns of developing nations and reinforce their bargaining power within the global economy, and these are values that Canada promotes with the international Francophonie.

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[English]

LIBERAL PARTY OF CANADA

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I attended two very different events which took place in Montreal over the past four days.

The first was the Gomery inquiry into Liberal corruption and the other was the exciting Conservative Party of Canada founding policy

convention; same city, two entirely different visions of how this great country should be governed.

The Gomery inquiry demonstrates the Liberal government's view that it is okay to use hard earned taxpayer money to pay off friends who will then funnel some of that money back to the Liberal Party who then will use it during election campaigns to make promises to Canadians which it will break.

The Conservative Party convention on the other hand was all about lowering taxes and treating every dollar like it is money held in trust to be carefully spent only if it will make life better for all Canadians, not just Liberals and their political friends.

The obvious choice for Canadians is the Leader of the Opposition's exciting new Conservative vision, not Mr. Dithers and his corrupt Liberal regime.

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[Translation]

LA FRANCOPHONIE

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, on this 35th anniversary of Canada's membership in the international Francophonie, I want to pay tribute to the leadership our country demonstrated at the 10th summit of La Francophonie, held in Burkina Faso in November 2004.

Canada helped develop La Francophonie's first strategic framework, which was adopted at this summit. This framework provides this organization with means to exert greater influence over international affairs and to help meet the challenges of globalization.

From now on, La Francophonie will focus on four major missions, which are consistent with the aim and objectives of Canadian foreign policy: to promote the French language and cultural and linguistic diversity; to promote peace, democracy and human rights; to support education, training, higher education and research; and to develop cooperation to ensure sustainable development and solidarity.

May the efforts of La Francophonie continue to enrich our international affairs.

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● (1405)

INTERNATIONAL DAY OF LA FRANCOPHONIE

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, March 20 was international day of La Francophonie. It gave us a chance to reaffirm our attachment to the French language.

Richard Desjardins was presented with the Mérite du français dans la culture award by the Union des artistes, the Société des auteurs de radio, télévision et cinéma, and the Office québécois de la langue français.

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Impératif français awarded a booby prize to the Government of Canada for naming its tsunami intervention group unilingually the Disaster Assistance Response Team, as though Canada becomes an English only country when it comes to providing disaster assistance to other countries.

This day also urges Quebec, specifically, to fulfil its duty to protect and promote our francophone personality among sovereign states.

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INTERNATIONAL DAY OF LA FRANCOPHONIE

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, as mentioned, yesterday we celebrated international day of La Francophonie and the 35th anniversary of this forum. I am proud to say that Canada has earned pride of place in the Francophonie and has played a lead role in establishing this important international organization consisting in 63 member countries and governments sharing a common language, French.

Over the years, Canada, the second highest financial contributor after France, has actively participated in creating and developing the numerous institutions of the Francophonie. Canada has hosted two summits, one in Quebec City, in 1987, and one in Moncton, in 1999. The Gatineau-Ottawa region also hosted the Jeux de la Francophonie in the summer of 2001. These events have contributed to promoting the international Francophonie to Canadians and Canada's cultural diversity to the world.

Canada's window on the world remains open with the first ministerial conference of La Francophonie on the mandate to protect and with the 12th Francophonie summit in 2008, the year of the 400th anniversary of the founding of Quebec City, one of the most beautiful cities in the Americas.

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[*English*]

WELLINGTON—HALTON HILLS

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I draw to the attention of the House the 2004 Georgetown Citizen of the Year, Mr. Tom Schenk. His involvement with Branch 120 of the Royal Canadian Legion has been instrumental in maintaining the memory of the sacrifice made by veterans.

As well, he has been an exceptional supporter of the Georgetown Choral Society and the Georgetown Children's Chorus that will pay tribute to Canadian veterans in the Netherlands this coming May along with the Minister of Veterans Affairs. I ask all members of the House to join me in recognizing the contributions of this remarkable Canadian.

I draw to the attention of the House also the three festivals that take place within the Township of Centre Wellington that were recently named top 50 festivals in Ontario.

The Fergus Truck Show, Reminiscence Festival and the Fergus Scottish Festival and Highland Games all received this significant honour at the 2005 Conference of Festivals and Events Ontario.

I ask all members of the House to join with me in recognizing the contribution of these important festivals to Wellington—Halton Hills.

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[*Translation*]

SUSTAINABLE DEVELOPMENT

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, Canada's influence was apparent during discussions at the 10th Francophonie summit, held in Burkina Faso.

Sustainable development extends beyond the environment. It takes a broader meaning in connection with underdevelopment, and sustainability requires equitable bases and interdependence of the sound management of natural resources and the fight against poverty.

Canada's vision is focussed on issues of social justice, cultural diversity, basic human rights and good governance.

At the Ouagadougou summit, Canada encouraged La Francophonie to influence international dialogue on sustainable development and to position itself as a good, or even a key strategic partner for various international and multilateral organizations concerned with sustainable development, in Africa in particular.

This is one more source of pride for Canada.

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INTERNATIONAL DAY OF LA FRANCOPHONIE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, it is with great pleasure that I draw attention to the international day of La Francophonie, which was celebrated yesterday, March 20.

This important day promotes the French language and the cultural and linguistic diversity of francophone countries across the five continents. This day brings together 175 million people worldwide who all have one thing in common: the French language.

Over the weekend, several organizations and communities in my riding held activities celebrating this international day of La Francophonie. In our part of the country, in Acadie, pride in the French language and francophone identity is important to its communities. That is why it should be acknowledged and celebrated.

As a matter of fact, Acadie is commemorating this year the 250th anniversary of the Acadian deportation. Through their perseverance, the Acadian people remain a strong presence in Canada and continue to enrich the Canadian culture.

To all francophones and francophiles in this country and abroad, happy international day of La Francophonie!

* * *

•(1410)

[*English*]

RACIAL DISCRIMINATION

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, today is the International Day for the Elimination of Racism. Canadians can be proud of their achievements in fighting racism.

When I first came to Canada in 1977, I encountered racism in every aspect of our society. It was tough going. We can tell numerous stories about racism.

Over the years tremendous progress has been achieved thanks to efforts by all Canadians. However, a new national study states that one in six Canadian adults have become victims of racism. This study shows that a lot of distance still needs to be covered to make this a truly just society. It is incumbent upon all Canadians to join in this fight against racism.

The Conservative Party, at its convention this weekend, strongly endorsed the multicultural nature of our nation. Together with all Canadians, we will stand strongly against racism and bigotry.

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[Translation]

MÉTROSTAR GALA

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, last night the Métrostar Gala paid tribute to the artists of Quebec television.

While people pretty well around the world are hooked on American television series, it is fascinating to see how faithful the Quebec audience is to its own TV serials. In Quebec, the actors and actresses are part of our families. This is yet another expression of Quebec's difference.

To mark the 20th edition of this event, the audience was asked to choose the television personality who had made the greatest mark in the past 20 years. The person selected was Dominique Michel. Who can forget her brilliant comedy in the series, *Moi et l'autre*, or her performances in the *Bye Bye* reviews?

The Bloc Québécois salutes the dazzling artist nominees and expresses its pride in the winners in every category. In particular, we congratulate the winners of the Métrostar awards, Guylaine Tremblay and Rémy Girard.

Thank you and bravo to the entire artistic community of Quebec. We are proud of you.

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[English]

CONSERVATIVE PARTY OF CANADA

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, it is a great day to be a Conservative.

This past weekend the Conservative Party held the most successful national gathering of Conservatives in two decades. Three thousand Conservatives from coast to coast to coast gathered in the beautiful city of Montreal to debate policies and prepare for the next federal election at the founding policy convention of the Conservative Party of Canada.

It is clear that the policies endorsed by Conservative grassroots firmly reflect the mainstream opinions held by Canadians. The Conservative Party's membership is vivacious and its financial situation is sound. If I may gush for a moment, the leader received a resounding endorsement from the party that will no doubt lead him and the Conservative Party to power in the next election.

S. O. 31

I would like to congratulate the delegates and staff at the convention who worked so hard together, not just as proud Conservatives but as principled Canadians.

Our caucus is united and energized. We will promote Conservative policies, we still stand against a tired and corrupt Liberal government and we will strive to earn all the support we need to win the next election.

* * *

[Translation]

INTERNATIONAL DAY OF LA FRANCOPHONIE

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, each year francophones on five continents celebrate the international day of La Francophonie. March 20 is the day millions of people get together to promote the French language.

This date was chosen to commemorate the founding of the Agence intergouvernementale de la Francophonie, which aims to develop cooperation programs that put the spotlight on cultural and linguistic diversity.

Just days away from the 35th anniversary of the founding of the international Francophonie, I would like to add my voice to those of my colleagues in this House and pay tribute to the initiatives taken by our Prime Minister, Mr. Paul Martin, to establish and maintain democracy and respect for human rights around the world.

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[English]

RACIAL DISCRIMINATION

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, on this National Day for the Elimination of Racial Discrimination, I draw the attention of Parliament to the escalation and use of racial profiling in Canada.

The Deputy Prime Minister denies racial profiling exists but those who are targeted know differently.

On March 9 the Minister of Transport told us that his department was developing a no-fly list in Canada and yet there are no provisions to deal with incidents of racial profiling, no procedures for follow up and we do not know the criteria nor the basis for such a list. The Liberal government cannot hide behind denials.

We call on the government to support Bill C-296, a bill to ban racial profiling and to enact policies and procedures to compel law enforcement and federal departments to eliminate racial profiling. We must not allow racial profiling to exist in the name of security. We must not allow people to be targeted on the basis of their colour, ethnicity or religion.

A new website, stopracialprofiling.ca, has launched a campaign, including an incident report form. We in the NDP support this campaign and will do everything we can to make racial profiling illegal in Canada.

Oral Questions

•(1415)

[Translation]

CANADA POST

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, Canada Post has announced that the Cap-de-la-Madeleine sector postal station in Trois-Rivières will close on April 15. This decision by Canada Post was taken without consulting the public. They were presented with a fait accompli and they felt this was an affront to them and their right to quality service.

It is all the more difficult to understand this decision when Canada Post uses administrative reasons to explain the closure, yet in 2003 it declared record earnings. Furthermore, the postal station being closed has above average profitability.

I want to acknowledge the courage of all the individuals who joined me in braving the icy cold on February 25 to take part in a public demonstration to indicate loud and clear our disagreement with this Canada Post decision.

ORAL QUESTION PERIOD

[English]

AIR-INDIA

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, 20 years ago 331 Canadians lost their lives when an Air-India plane was bombed by terrorists. Serious questions have always been raised about the investigation. Last week's court decision may mean that justice may never be done.

Should that be the case, is the government prepared to commit to a full public inquiry so the families of the Air-India tragedy will get the justice and some of the answers they deserve?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I think I speak on behalf of everyone in this House when I say that on behalf of all Canadians we extend our deepest sympathy to the families of the victims of the Air-India terrorist incident.

Many lessons can be learned from that terrible tragedy. One is of course that Canada and Canadians are not immune from the horror that is the modern face of terrorism.

In the 20 years since, I think we have learned a lot. In fact, we only have to look at the way the government today works with agencies like CSIS and the RCMP to try and protect the collective security of Canadians.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, Canadians are entitled to more than kind sentiments. They are entitled to some answers and some action.

These families deserve better than a bit of dithering. For 20 years they have been waiting for closure. They have been denied justice.

I want the government to commit unequivocally, clearly and without hesitation that if there is no successful prosecution there will be a full public inquiry.

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, it is not clear 20 years later how much can be learned from an inquiry. I think we need to focus on the considerable process that has taken place in the past 20 years.

We should not forget that there has been a government report on aviation security. We now have new airport safety initiatives. There has been the settlement of a civil suit. There has been a SIRC review of the conduct and actions of CSIS. There has been the conviction of Inderjit Singh Reyat and obviously—

The Speaker: The hon. Leader of the Opposition.

* * *

SPONSORSHIP PROGRAM

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I would leave it to the families to worry about whether they will not get answers from an inquiry. I think the government is worried that we will get answers from an inquiry.

[Translation]

Changing subjects, the testimony before the Gomery commission is proving what we have known for a long time. The taxpayers' money ended up in the pockets of the Liberal Party and its organizers. Now the government is claiming to be going after the agencies for the highjacked funds, but it is not going after the Liberal Party to get back the dirty money.

Why has the government not taken action against the Liberal Party of Canada?

•(1420)

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the fact is that 10 days ago the government launched action seeking recovery of funds for \$41 million.

When we did that, let us be clear, the Leader of the Opposition attacked the government. The leader of the Conservative Party pretends to stand up for justice and for the taxpayer but when the government launches action to stand up for justice and for the taxpayer, the leader of the Conservative Party attacks the government.

He cannot have it both ways. Unless he is the patron saint of hypocrisy, he should support the government's efforts to seek cost recovery and to do the right thing on behalf of Canadians.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, the Prime Minister's favourite shield has no credibility on this or anything else.

Last week Canadians heard that Liberal friendly ad firm Groupaction had funneled \$20,000 to the Liberal Party through a personal company of an employee. Now this sneaky Liberal Groupaction was deliberately meant to cover the tracks of this scheme.

Oral Questions

The Prime Minister and the Minister of Transport both said that all dirty money would be immediately returned. It is now clear that the Liberal Party did receive dirty money. Eleven advertising agencies are being sued by the federal government.

When, on behalf of taxpayers, will the government sue the Liberal Party of Canada to recover this dirty money?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, with questions like that I am surprised that his leader does not kick the chair right out from under him.

The transport minister, the Prime Minister and the government have been absolutely clear that if any funds are found to have been partisan funds that were reached through ill-gotten activities we will be returning those funds to the government.

However we must allow Justice Gomery to do his work. Beyond that, we also must ensure that current legal actions are concluded appropriately so that we act with the facts fully in hand.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, the only thing the minister knows about is musical chairs.

In addition to the camouflaging of dirty donations, a \$50,000 slush fund was created and hidden by Groupaction. The secret slush fund was used to pay political assistants and make contributions to Liberal campaigns, including that of the Prime Minister. Top Liberal organizer, Jacques Corriveau, was paid about \$5 million in sponsorship subcontracts as part of a series of Groupaction transactions.

The evidence mounts daily at the Gomery commission that the Liberal Party received kickbacks from ad agencies involved in the sponsorship program.

I ask again, when will the government show some guts and start a government action to recover the money from the Liberal Party of Canada?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government and the Prime Minister have already demonstrated guts by establishing the Gomery commission, by cooperating fully with Justice Gomery's work, by providing the information required so that Justice Gomery can continue his work and by providing adequate funding so that Justice Gomery can do his work.

We are not afraid of the truth. In fact, we are working with Justice Gomery and supporting Justice Gomery in his work because we do have the guts to do the right thing. However we will not be able to take the kind of action to which the hon. member is referring until Justice Gomery has completed his work.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, every day, more is coming out in the Gomery commission about how much the Liberals profited from the dirty sponsorship money. Yet the Liberal Party is still refusing to pay back the public funds that have ended up in the Liberal Party coffers or the pockets of the Liberal organizers.

Will the Prime Minister take the necessary steps to recover the dirty sponsorship money? These are public funds and must go back to the public treasury.

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government has made itself clear. If party funds are found to have been given to individuals or agencies involved in activities of this type, the government will be reimbursed without fail.

[*English*]

It will not be possible for us to take that kind of action unless we allow Justice Gomery to complete his work and unless we allow the current legal actions to conclude appropriately, such that we can act knowing full well the truth and can act based on that solid evidence of the truth, instead of acting on the shifting sands of daily testimony as the opposition is wont to do.

• (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is obvious that the agencies got too much money for the work they did, or did not do. It is so obvious that the government has decided to take action against them without waiting for the Gomery commission to end. There is equally clear evidence as far as the Liberal Party's dirty money is concerned, but the government is insisting on waiting until the end of the inquiry.

The Prime Minister has made the commitment that everyone involved in the scandal will face the consequences of their actions. How then does he explain his government's continued refusal to require the Liberal Party to pay back the public funds, give back the dirty money?

[*English*]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government has launched legal action. That legal action has commenced but has not concluded. Until it goes through the full course of the law we will not have the result. We will not know the result until the courts make their final decisions.

We cannot act unilaterally without respecting the independence of the judicial system.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the Gomery commission has revealed how the sponsorship scandal encouraged the payment of \$70,000 by Jean Brault of Groupaction to Liberal Party organizers and the Liberal Party itself.

Will the Prime Minister admit that it is his responsibility to ensure the government takes immediate steps to recover the sponsorship money paid to the Liberal Party of Canada?

[*English*]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, the Prime Minister, the transport minister and the government have been completely clear that if partisan funds were received from firms or individuals implicated in these affairs, that those funds will be returned to the Canadian taxpayer.

Oral Questions

The only reason that hon. member or others can comment on daily testimony at the Gomery inquiry is that our Prime Minister had the guts to do the right thing and to take a real risk to get to the bottom of this issue for the benefit of all Canadians. They should be commending our Prime Minister and not attacking him for that.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, that is a double standard. When the government was informed that too much money had been paid to the advertising agencies, it began legal proceedings to recover the money. In the case of sponsorship money paid to the Liberal Party, what the Minister of Transport called “dirty money”, the Prime Minister should act promptly.

Does he realize that, if he does not act right away, he will be guilty of conflict of interest, since everyone will understand that the decision has been made by the leader of the Liberal Party rather than the leader of the government?

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, the government has launched action to go after \$41 million of funds. That action has not concluded. Until we allow the justice system to do its work, and for the due court system to be concluded appropriately, we will not have the evidence required to move forward on further actions.

Let me be clear. The government has been totally up front on this. We will act appropriately when we have all the facts. However, we cannot act without the facts. We cannot act on the shifting sands of daily testimony, as the hon. member and the members opposite are doing.

[Translation]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question concerns the dirty sponsorship money, because that dirty money is now in the pockets of the Liberal Party of Canada. Last week a direct link to the Liberal Party was established.

Since there is enough evidence to launch proceedings against individuals, businesses and agencies, when will the government take the Liberal Party to court?

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government, in the very beginning of this whole issue, established that Mr. Gauthier would do the work on cost recovery. That would operate as a parallel process alongside the establishment of Justice Gomery's work. This is not a surprise. We have been clear, open and transparent in this process. We will continue to be because we are standing up for the taxpayer. We are doing the right thing on behalf of all Canadians by going after the truth and by going after these funds.

* * *

• (1430)

AIR-INDIA

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, if the government has enough facts to pursue the money through the courts when it comes to private corporations, private individuals and

agencies, then it has enough facts to pursue the Liberal Party of Canada in the courts and it is time we got on with it.

To hear the hon. member speak of openness and transparency, it is absolutely vital that we have an open and transparent process to find out what happened in the Air-India crash. The families have a right to know. The communities have a right to know.

If we take a look at what the government is doing with the Maher Arar inquiry, we see black-lined documents and that is about it. We are getting blocked at every step of the way.

Will the government ensure an open and transparent process to get to the bottom of the crisis that is the Air-India crash?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have said, obviously the Air-India situation is a horrible example of the modern face of terrorism. In fact, my officials and I have offered to meet with the families to talk about the questions that may remain unanswered.

We need to take the opportunity to review the processes that have been in place, the answers that have been provided, determine the questions that remain to be answered, and then think about the best way by which we can go—

The Speaker: The hon. member for Edmonton—Strathcona.

* * *

[Translation]

SPONSORSHIP PROGRAM

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, during the last three elections, Liberal ministers in this House accepted funds, materials and hirelings paid for by sponsorships. The Minister of Public Works and Government Services is turning honest people into cynics. With the help of a lawyer, Mr. Gauthier, who has earned over \$1 million in the past year, the minister continues to try to cover his tracks.

When will the government demand that those who accepted this dirty money pay it back to the Canadian taxpayers?

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, the government has been clear that when we have all the facts, when Justice Gomery has concluded his work, and when legal action has been concluded, it will act. Any funds that were retrieved for partisan purposes from any firms or individuals implicated will be returned. We are a government, not a judge and jury. We are just the government. However, we respect the independence of a judicial inquiry and we want it to complete its work.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, this minister talks of running a parallel system. He seems to be living in a parallel universe.

Oral Questions

The Prime Minister promised that all ad scam information would be made public. Yet, while lawyers for Liberal-friendly ad firms are trying to have a publication ban on testimony by Jean Brault, Chuck Guité and Paul Coffin, there is a deafening silence from government lawyers. Canadians expect openness and transparency.

Will the government intervene to fight the publication ban or will it continue to run interference for the Liberal Party?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, clearly public interest in the activities of the commission must be balanced with the right of applicants to a fair trial. If Justice Gomery decides there ought to be a publication ban, we would argue that it should be limited in scope, so that at most the public's access to the testimony would only be delayed.

The fact is there are basic charter rights that guarantee the rights of individuals to a fair trial. This party is clear. We stand up for the charter of rights. At its convention that party wore pins that said "Its the stupid charter". That is what those members think of the charter of rights.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the ugly truth about Liberal Party theft from Canadian taxpayers is finally coming out.

A year ago the Prime Minister promised that voters would have these facts before an election. He broke that promise and hid the organized money laundering that kicked back millions of public dollars into Liberal hands, including his own closest supporters. The Prime Minister told voters his competition had a hidden agenda. It turns out that the Liberals were the ones really hiding something.

How can the Prime Minister explain this betrayal?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it is a good thing the hon. member opposite is using the immunity of the House to protect herself in making those kinds of outrageous statements. If she, as a lawyer, were to make those kinds of statements in a courtroom without evidence, based solely on testimony before an inquiry on a daily basis, she would probably be disbarred.

She should be ashamed of herself, by dragging reputations through the mud here on the floor of the House of Commons without any firm evidence upon which to make those allegations.

• (1435)

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, that was a good try.

Testimony since the election has revealed a trail of taxpayer money that leads directly to the Liberal Party. No one believes the Prime Minister, at the time finance minister, vice-chair of the Treasury Board, and political minister for Quebec, could have had no clue that this was going on. If he did not, he is too dim to be Prime Minister.

Lately, he has done a lot of unconvincing huffing and puffing about promises kept. He promised Canadians the truth before the election. Why did he break that promise?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, what we see here is a really unfortunate course of conduct from that

hon. member. Her stock and trade is character assassination. My colleague, the Minister of Public Works and Government Services, is right. She would not dare step outside and say what she said in her first question. She should be ashamed of herself.

* * *

[Translation]

AIRLINE INDUSTRY

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, last fall, the federal government announced that it would underwrite the purchase of 45 regional jets by Air Canada. Even though three ministers made the announcement, five months later, the federal government has yet to honour its commitment.

How can the federal government justify the fact that, five months later, it has yet to fulfill this commitment, even though three ministers gave their word? What is it waiting for?

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we do have a program in place for regional aircraft financing. We are negotiating with Bombardier on appropriate terms that will protect the taxpayer and support Bombardier in this particular purchase.

[Translation]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the fact that the federal government has not yet honoured its commitments is creating huge problems for Bombardier, in addition to undermining this government's credibility with this company.

Does the government not realize that, by not keeping its word, it is undermining the project to build the C series at Mirabel and hurting economic development in Quebec?

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we are not undermining the economic development of Quebec. We are supporting the aerospace industry in Canada. We are supporting it across Canada. We are supporting Bombardier. We are talking with Bombardier, trying to get the best deal we can for taxpayers and for its workers, and for the aerospace industry in Canada.

[Translation]

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, Quebec is competing with others for the assembly of the C series, even though Bombardier seems to have a preference for Mirabel. Despite what the minister has said, the matter is not settled, because the regional jet financing is not settled.

Does the federal government not understand that, by dragging its feet in this way on the regional jet financing, it is compromising the development of the C series, along with the economic development of Quebec? What is keeping it from making a move at last?

Oral Questions

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we are working with Bombardier on the C-series project. We are trying to ensure that assembly takes place here in Canada. We will ensure, again, that the aerospace industry in Canada does survive, and that a key anchor in the aerospace industry is kept in place. We will support the aerospace industry and Bombardier.

[Translation]

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, when it came to developing the automotive industry in Ontario, the federal government had made commitments before even knowing the nature of the projects—time was of the essence.

So why, when it comes to the funding promised to Bombardier, is the federal government so obviously dragging its feet?

● (1440)

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we did commit to have an automotive strategy for Canada. We committed to ensure that our decisions were made in a timely manner to meet the needs of the automotive industry.

We are doing exactly the same thing in the aerospace industry. We are meeting Bombardier's timeframes. We are working with the aerospace industry to ensure we have an aerospace industry that is strong in Canada 10 years from now, 20 years from now and 30 years from now, unlike the members opposite who would let it go.

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SPONSORSHIP PROGRAM

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the Liberals would really like to keep it hidden that they have stolen money from Canadian taxpayers.

Some hon. members: Oh, oh!

The Speaker: The hon. member for Calgary—Nose Hill knows that she cannot suggest that any hon. members of the House have committed an offence. It appears that is what she was saying in her question. She skirted close to it the first time, but we will not have it. She said the Liberals, and we will not have that.

If the hon. member wishes to ask a question, that is fine, but she will go straight to the question and skip the preambles if they contain words that are out of order.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the question is very simple. If the Liberal Party did not steal money from Canadian taxpayers, why is the government launching a lawsuit to recover it?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the government is launching a lawsuit to go after recovery of funds from some of these firms and individuals. That lawsuit has not concluded and will not be concluded until it goes through the appropriate legal process. That will be the time when we have the facts we need to pursue any other course of action.

What is really interesting is that the leader of the Conservative Party has said repeatedly that he believes that individuals have lied

before Justice Gomery's commission. Yet, individuals in his own party are basing their entire line of questioning on that individual testimony. They cannot have it both ways.

The Leader of the Opposition said that—

The Speaker: The hon. member for Calgary—Nose Hill.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the Liberals cannot have it both ways. Either money was stolen and they have launched lawsuits to recover it, or it was not. Which one is it? Why are they launching lawsuits if no money has gone missing?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, if the hon. member took a little time to read the Auditor General's report that started this entire process she would realize that of course there were issues here. That is why the Prime Minister established Justice Gomery to do his work. That is why we asked Mr. Gauthier to recommend action on financial recovery. That is why we are taking that action in order to achieve that financial recovery despite the opposition from the Conservative Party that opposes the government's efforts to stand up for the Canadian taxpayer and to stand up for justice for all Canadians.

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AIR-INDIA

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, for 20 years Canadians have lived with sadness, anger and disgust at the way the biggest terrorist act in Canadian history has been handled.

Increasing numbers of Canadians are outraged at the way this whole affair has been handled by all involved, including this Liberal government. The Liberal government needs to stop appeasing the fundamentalists. The need to get to the truth is a must. The government must call for a public inquiry if an appeal is not forthcoming. Yes or no?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I said earlier, I think everyone acknowledges the horror of this particular event and in fact I think it is important at this point that we do take stock of where we are.

There have been a number of proceedings in relation to this matter. There is an ongoing criminal investigation. I have indicated that I am more than willing to sit down and meet with representatives of the families to determine questions that remain unanswered and the best way in which—

The Speaker: The hon. member for Calgary East.

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, I will tell the Deputy Prime Minister that she is giving the impression that this government does not care for the lives lost in the Air-India disaster. If this government does not want to shed tears over this tragedy then it does not have to, but for God's sake and for the sake of victims, I say please have a public inquiry. Yes or no?

•(1445)

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I think it is very sad that the hon. member would appear to turn this into a partisan issue. As I have said, what is important here is that we determine the questions that remain unanswered and in fact what process, if any, would be the best in terms of providing us answers to any of those unanswered questions. I will sit down with the families. My government officials will sit down with the families. We will try to identify those questions and then work to—

The Speaker: The hon. member for Thornhill.

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MULTICULTURALISM

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, today, March 21, marks the International Day for the Elimination of Racial Discrimination. In Canada we have launched our annual campaign. Although we have made great strides, we know that racism is still a reality that must be eradicated.

My question is for the Minister of State for Multiculturalism. I am interested in finding out what the minister plans to do to ensure that Canada continues to be at the forefront of the international struggle to combat racism.

Hon. Raymond Chan (Minister of State (Multiculturalism), Lib.): Mr. Speaker, I would like to thank the member for Thornhill for her excellent work on this matter. Racism is still a very important issue and it prevents Canadians from participating fully in our society.

This morning I was very proud to unveil Canada's first ever action plan against racism. This plan takes a horizontal, coordinated approach and includes new concrete measures in order to achieve an inclusive and equitable society.

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GOVERNMENT APPOINTMENTS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, a year ago when the Prime Minister finally clawed his way to the top job he promised to put an end to the politics of cronyism. Obviously this was just another empty promise rather than a sincere commitment to changing how Liberals do their shady business.

The environment committee reviewed Glen Murray's nomination as chair of the National Round Table on the Environment and the Economy and the committee said no. Late Friday afternoon, when he thought no one was looking, the Prime Minister decided to thumb his nose at Parliament and all Canadians and confirmed this appointment against the committee's wishes.

Will the Prime Minister do the right thing and reverse this patronage appointment?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, do members know why the government is so pleased to have the former leader of the NDP, Madam Audrey McLaughlin, at this round table? It is because we look at the qualifications of the candidates and we do not choose them because they have a partisan past. It is an honour for them and an honour for Canada.

Oral Questions

It is the same for Mr. Murray. The proof that he has the right qualifications is that the NDP members are upset because he turned down their request to be a candidate in the last election.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the only qualification this person seems to have is who he knew in the PMO. It is another promise made and another promise broken.

The NRTEE is going to be asked to do some very important work over the coming years, picking up the slack for a cabinet that cannot seem to decide on how to get Kyoto done. This crucial work depends upon someone who has the expertise to fulfill that need, not somebody who is just another yes-man for the Liberal Party, but the Prime Minister seems unconcerned, choosing to give profile to political buddies rather than finding the best person for the job.

Will the Prime Minister admit that the environment is more important than patronage and reverse—

The Speaker: The hon. Minister of the Environment.

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, the member should give an apology to Mr. Murray, councilman for eight years and the Mayor of Winnipeg, a chair of the Big City Mayors' Caucus, an important part of the new deal for cities, an active member of the International Conference of Mayors, and a leader in the creative cities movement. He created the green plan for the City of Winnipeg and its green pricing for procurement.

His whole mistake, according to the member, is that he turned down the request to be an NDP candidate in the last election.

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AIRLINE INDUSTRY

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, a poll of business leaders, which was released today by the Canadian Chamber of Commerce, shows that 55% of respondents think the federal government is responsible for Jetsgo's collapse. Excessive taxes, fees and charges are largely to blame, they say.

Jetsgo certainly had its own problems, but when nine air carriers go broke in eight years of Liberal government, it is clear that the number one problem our air industry faces is this Liberal government.

Will a tenth airline really have to go broke before the government finally does something and stops taxing our air industry into the ground?

•(1450)

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, the hon. member should know that we are in a free market economy and this is a competitive market. I thought those values were Tory values.

What we are seeing now is an entrepreneur trying to succeed in this market, but he has not succeeded and he has been given the reasons why he did not succeed. There was a question of prices. There was a question of competition.

Oral Questions

This is what the free market is all about, so what is the hon. member for? Government intervention?

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, we know what the Liberals are for, which is taxing the air industry into the ground.

One of the business leaders in the poll was quoted as saying, “Our government's dithering on this and other matters makes me feel that we are just plain leaderless”. Another quote to note is, “Federal government taxation is what is hurting the airline industry”.

The business community gets it. The air and travel industry gets it. The transport committee gets it. The Conservative Party gets it.

Why is this Liberal government so absolutely clueless when it comes to the high taxes that are driving Canada's air industry into the ground?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, maybe the hon. member would believe the *National Post* when it says, “As his Conservative critics should understand better than anyone in Parliament, politicians shouldn't be expected to come to the rescue when a private business falters”. This is from the *National Post*, not a Liberal publication and not a poll.

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GOVERNMENT APPOINTMENTS

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, the House of Commons environment committee recently voted seven to four against appointing Glen Murray to chair the national round table on the environment. The committee found him to be lacking in credentials and expertise for the job. After hearing the recommendations of the committee, the Prime Minister appointed Murray anyway.

The Prime Minister only one year ago promised to condemn the practice and politics of cronyism. Apart from the fact that Glen Murray is a Liberal, why did the Prime Minister break his word and appoint Murray against the recommendations—

The Speaker: The hon. Minister of the Environment.

Hon. Stéphane Dion (Minister of the Environment, Lib.): We can see, Mr. Speaker, that the vote of the opposition in this committee was a shameful partisan vote. Could it be, for that party's members, that it is because Mr. Murray did not run for them despite their request? Or could it be that one of those parties does not respect the city of Winnipeg, of which he was such a good mayor and gave Winnipeg a green plan?

Or could it simply be that *The Globe and Mail* editorial is right when it says, “He is a well-qualified individual who happens also to be a Liberal. He should keep his new job”.

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I think the only shameful partisanship is on the Prime Minister's behalf. First of all there was the blatant patronage appointment to open a seat in Winnipeg for Mr. Murray. The wise people of Winnipeg rejected that notion.

Now he is trying to bail him out with an appointment to this committee. The Prime Minister is using another blatant patronage appointment to bail out another Liberal loser. When will the Prime Minister stop insulting Canadians and withdraw this appointment?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, instead of having this kind of shameful partisan behaviour, the opposition and its leader should start to build a real plan for the environment, because they admitted themselves during their convention that they do not have one.

They did not request the spending in this budget for the environment. They do not care about the environment. When they see a good Canadian who is able to help the country through the round table on the environment, they are not able to be non-partisan. This is shameful partisanship by the opposition.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, the Minister of Citizenship and Immigration confirmed that he was considering an alternative to the refugee appeal division and that he would make a decision within six months.

How can the minister ask refugees to wait another six months when, for nearly three years, the government has been violating its own legislation by refusing to implement the appeal division which has, in fact, been duly adopted by this House?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I have always said that refugees must be considered within the bigger picture of immigration as a whole. I have also indicated that last year we accepted another 6,000 additional people.

When speaking of the relationship between the House committee and the government, it must be remembered that the hon. member is one of the members who voted completely in favour of these six months of study. If she votes one way in committee, why—

• (1455)

The Speaker: The hon. member for Vaudreuil-Soulanges.

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, everyone disagrees with the minister. The United Nations High Commissioner for Refugees, the Human Rights Commission, lawyers defending refugees—they all condemn the Canadian government's attitude and its refusal to immediately implement the appeal division.

How can the government accept that the lives and futures of thousands of refugees depend on a decision made by one person?

[English]

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, there is no such decision on behalf of one person. The member is mischaracterizing the process. Once there is a decision, there is also a pre-removal risk assessment. Every step of the way there is an opportunity to appeal to the Federal Court or in fact to submit an application under humanitarian and compassionate grounds.

Let me remind the member and the House again that last year there was an acceptance of 6,000 more refugees than the year before. Where is the damage?

*Oral Questions***ROYAL CANADIAN MOUNTED POLICE**

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, we recently said goodbye to four fallen RCMP officers in my riding. The killer had a history of violence, intimidation and skirting the criminal justice system.

The victims' families, the killer's brother and all Canadians are saying enough is enough. Hardened criminals should do hard time and we want real action to prevent further tragedies. Will this government agree to mandatory minimum prison sentences for serious violent crimes so that these officers' deaths will not be vain?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, those who have looked into this tragedy have suggested that we should not draw any inferences on any specific policy like mandatory minimums in that regard. All the studies regarding mandatory minimums have shown that mandatory minimums are neither effective nor a deterrent. We are prepared to explore anything that will assist, but not that.

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, Canadians want criminals to do real time. That is why it is called a criminal justice system.

We have confidential information about a plan to cut over 200 members of the RCMP from the national force. This is not the response that the families or Canadians were looking for. What twisted logic would lead a government to cut RCMP officers just after these deaths?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, in fact, the force is increasing in size. It has seen a significant infusion of new dollars over this past number of years. We are training more young brave RCMP officers all the time at RCMP Depot in Regina.

In fact, if I have not received it already, I think I am going to receive a formal request from the Solicitor General of Alberta to increase the force by over 100 new members in Alberta alone.

Honestly, I do not know where the member gets his information from.

* * *

HEALTH

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, my question is for the Minister of Health, but before I ask the question, on this day of March 21 I would like to wish all people of Persian descent across Canada *norouz mubarak*, a happy new year.

Last September the first ministers signed a 10 year plan to strengthen health care, through which the federal government committed \$41.3 billion to the provinces over 10 years. Could the minister inform the House of how the federal government will increase funding for federal programs that will improve—

The Speaker: The hon. Minister of Health.

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, in addition to the \$41 billion, the budget provided \$800 million more for health care funding federally. It included \$75 million over five years to expand programs to assess and accredit foreign trained health professionals. It provided \$300 million over five years for the

Public Health Agency to develop a national strategy for chronic disease and prevention control. Also it provided \$34 million over five years to better prepare Canada for a flu pandemic—

• (1500)

The Speaker: The hon. member for Newmarket—Aurora.

* * *

JUSTICE

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, President Bush's drug czar, John Walters, recently said that drug trafficking from Canada is a significant problem and is getting worse. U.S. officials have warned the government to expect further delays at the border if it decriminalizes marijuana. The U.S. considers the flow of marijuana from Canada to be a national security threat.

When the Prime Minister meets President Bush on Wednesday, how will he address the billions of dollars of marijuana flowing across the border into the U.S. and will he protect Canadian economic interests and jobs?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I think the Prime Minister will reiterate what American officials have themselves said, that there has been exemplary cooperation in the matter of cross-border law enforcement and that with respect to the cross-border flow, the incidents of marijuana in the United States in terms of U.S. produced marijuana is less than 2% of all the marijuana produced in the United States.

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, the protection of our sovereignty means the protection of Canadian jobs. Border delays already cost Canadian businesses billions of dollars a year. Canadian businesses do not want to hear from the justice minister. They want to hear from the Prime Minister.

Does the Prime Minister recognize and acknowledge the linkage between illicit grow ops proliferating across our nation and the potential for more costly border delays?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, what the Prime Minister and everybody on this side acknowledges is that we are working with the United States, our largest trading partner and best friend. We are working with the U.S. to facilitate the movement of low risk goods and low risk people across our borders and to work together to identify that small number of high risk goods and high risk people who might cause a threat to the collective security of either Canadians or our allies, the Americans. That is what this government is doing.

* * *

[*Translation*]

TAXATION

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, last week, Statistics Canada reported that Canadian investment in tax havens increased from \$11 billion to \$88 billion in 13 years. The Auditor General has already denounced the use of these tax loopholes that erode the government tax base a little more each day.

Speaker's Ruling

Since Canadian investment in tax havens has increased eightfold since 1990, why is the government refusing to put an immediate end to this tax evasion? Is it because the Prime Minister himself is very

The Speaker: I am sorry to interrupt the hon. member. The hon. Minister of Finance.

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, explicitly the answer to the question is no, that is not the reason. This issue is a challenge for all developed countries. Similar trends to the ones identified by Statistics Canada in fact are observed in the United States and in the United Kingdom. It is one of the unfortunate trends that comes with globalization.

We need a concerted international effort to deal with this. That is why the Government of Canada has raised this issue at the G-7, the G-8 and in a number of international forums, to make sure we can have a coordinated international approach.

* * *

FOREIGN AFFAIRS

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

He and all of us know about the People's Republic of China's anti-secession law threatening both Taiwan and the security of the region. Could the minister tell us what specific action the government intends to take to tell China that this is not acceptable?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, on March 15 I stated that Canada is especially concerned that the codification in the anti-secession law of the option to resort to non-peaceful means could contribute to increased tensions in the region. I have also said on numerous occasions that Canada remains opposed to non-peaceful methods being used to determine Taiwan's status.

These views have been made very clear by my officials to representatives of the Chinese government in both Ottawa and Beijing.

* * *

POINTS OF ORDER**UKRAINIAN CANADIAN RESTITUTION ACT AND CHINESE CANADIAN RECOGNITION AND REDRESS ACT—SPEAKER'S RULING**

The Speaker: I am now ready to rule with regard to issues affecting two private members' bills, Bill C-331, the Ukrainian Canadian restitution act, and Bill C-333, the Chinese Canadian recognition and redress act.

Last December 7 when debate commenced on second reading of Bill C-331, the Ukrainian Canadian restitution act, I expressed some concern about provisions of this bill which might infringe on the financial initiative of the crown. At that time I asked for submissions on this matter from interested members before the bill was next debated.

On February 22 the member for Dauphin—Swan River—Marquette, the Parliamentary Secretary to the Government House Leader and the member for Glengarry—Prescott—Russell made

submissions on the requirements for a royal recommendation for this bill. The parliamentary secretary also made a submission of why a royal recommendation was required for Bill C-333, the Chinese Canadian recognition and redress act standing in the name of the member for Durham. The Chair wishes to thank these members for having addressed this matter thoroughly and providing the Chair with sufficient time to consider their arguments.

The central issue which is being addressed at this time is whether Bill C-331 in its present form requires a royal recommendation. If this is the case, the bill in its current form will not be put to a vote at third reading unless a royal recommendation is first brought forward by a minister of the crown. If the bill is amended at committee or report stage, the need for a royal recommendation may be removed and a vote may be requested.

Hon. members may recall the ruling given on February 24, 2005 with respect to the royal recommendation and Bill C-23, an act to establish the Department of Human Resources and Skills Development. The issue which was addressed at that time is similar to the one before us today, specifically, is there an infringement on the financial initiative of the crown? The financial initiative of the crown, a well-established principle of our parliamentary system of government, reserves to the government the right to propose the spending of public funds for a particular purpose. The initiative of the crown is assured by the constitutional requirement that any such proposal to the House must be accompanied by a royal recommendation as required by section 54 of the Constitution Act, 1867 and Standing Order 79 of this House.

Does Bill C-331 require a royal recommendation; that is, does Bill C-331 contain a proposal for the spending of public funds that would constitute an appropriation or an equivalent authorization to spend? In my view it does. Clause 2(c) states that the Minister of Canadian Heritage shall:

(c) establish a permanent museum in Banff National Park, at the site of the concentration camp that was established there,—

It is clear that it mandates the establishment of a permanent museum. Therefore, in my view, clause 2(c) constitutes an appropriation within the meaning of section 54 of the Constitution Act, 1867 and Standing Order 79. Alternatively, it constitutes an authorization to spend the necessary public funds and as such is the equivalent of an appropriation under section 54 or Standing Order 79.

The hon. member has advised the House that the new museum would be housed in an existing building and restructuring costs would be paid from funds obtained from the negotiated restitution. However, this is not indicated in the bill, and the Chair can only rely on the text of the bill in these matters.

I appreciate the hon. member sharing with the House what is contemplated by this bill. No doubt the hon. member and others supporting this initiative have been mindful of the need to minimize the cost of this project to the public purse, but costs there nonetheless would be, and for a new and distinct purpose: a Ukrainian Canadian museum at Banff, Alberta. I must assume that these costs would be met by public funds from the consolidated revenue fund. The mandatory language allows me no other interpretation of clause 2(c).

• (1505)

[Translation]

Clause 3 has been challenged by the hon. Parliamentary Secretary to the Government House Leader who contends that it also requires a royal recommendation. Clause 3 states, in part:

The Minister of Canadian Heritage shall—negotiate—suitable payment in restitution for the confiscation of property and other assets from Ukrainian Canadians.

• (1510)

[English]

The House will recall that in an initial ruling relating to Bill C-331 made on December 7, 2004 it was determined that this clause did not require a royal recommendation. The hon. parliamentary secretary now argues that the notion of a restitution payment created a positive obligation, in his words, to spend funds. I have now given the matter further consideration and I find no requirement for a royal recommendation.

If the term “positive obligation” means that the government is given a mandate to spend public funds, then I would expect to see legislative text that clearly indicates an intention to expend those funds.

This bill provides for a negotiation with the Ukrainian community before any payment can be made, implying that no restitution amount may ever be determined. Accordingly, it cannot be said that this bill upon enactment would effect an appropriation of public funds. At the very least, a bill effecting an appropriation of public funds or an equivalent authorization to spend public funds does so immediately upon enactment.

Once Parliament approves a bill that requires a royal recommendation, there should be nothing further required to make the appropriation. To subject an appropriation to a subsequent action beyond the control of Parliament is in effect for Parliament to delegate its powers and responsibilities in respect of supply to someone else. This Parliament cannot do.

When Parliament adopts a bill, it is either effecting an appropriation of public funds or it is not doing so. A royal recommendation is not required in respect of actions that may or may not ever happen and so is not required in respect of clause 3 of the bill.

Now let us turn to Bill C-333, the Chinese Canadian recognition and redress act sponsored by the hon. member for Durham.

In this case as well the hon. parliamentary secretary argued that the bill required a royal recommendation because it would impose a positive obligation upon the government to spend public funds once the amount of redress was negotiated and formed part of an

Routine Proceedings

agreement between the Government of Canada and the National Congress of Chinese Canadians.

[Translation]

The hon. Parliamentary Secretary drew attention to Clause 4 that reads:

The Government of Canada shall negotiate an agreement for redress with the National Congress of Chinese Canadians, to be proposed to Parliament for approval.

[English]

He argued that the negotiated agreement provided for did not detract from the positive obligation imposed upon the government by the bill. The Chair does not agree with that position.

For the reasons I just gave in respect to Bill C-331 and its restitution clause, I cannot accept that Bill C-333 constitutes an appropriation within the meaning of the term in section 54 of the Constitution Act, 1867, or Standing Order 79. Nor do I consider that it constitutes an equivalent authorization to spend public funds under these authorities.

Accordingly, to summarize, in the case of Bill C-331, the Ukrainian Canadian restitution act standing in the name of the hon. member for Dauphin—Swan River—Marquette, a royal recommendation will be required before it can be put to a vote at third reading in its current form. In the meantime, consideration of this bill can continue in the House and in committee.

With respect to Bill C-333, the Chinese Canadian recognition and redress act standing in the name of the hon. member for Durham, a royal recommendation is not required to negotiate an agreement for redress. This bill in its current form can proceed to a vote at third reading.

I wish to thank the House for its patience in allowing me to review the requirements for a royal recommendation.

As it is the responsibility of the Chair to ensure that private members' business is conducted in an orderly manner, the Chair will continue to bring to the attention of the House those private members' bills on the order of precedence which may require a royal recommendation.

If the Chair does not identify a specific bill having need of a royal recommendation, it would still be open to any member to raise his or her concerns at an early opportunity. In this way the House can proceed in an informed manner in its consideration of private members' business.

ROUTINE PROCEEDINGS

[English]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table a notice of ways and means motion respecting an act to implement certain provisions of the budget tabled in Parliament on February 23, 2005.

Routine Proceedings

[Translation]

I ask that an order of the day be designated for consideration of this motion.

* * *

[English]

CERTIFICATE OF NOMINATION

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 110(2), I am tabling a certificate of nomination with respect to the Canadian Centre on Substance Abuse. This certificate stands referred to the Standing Committee on Health.

* * *

●(1515)

GOVERNMENT RESPONSE TO PETITIONS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to table in both official languages the government's response to nine petitions.

* * *

OLDER ADULT JUSTICE ACT

Mr. Lloyd St. Amand (Brant, Lib.) moved for leave to introduce Bill C-348, an act to establish the Office of the Ombudsman for Older Adult Justice and the Canadian Older Adult Justice Agency and to amend the Criminal code.

He said: Mr. Speaker, the bill deals with efforts to reduce elder abuse.

This has become an issue of concern for all Canadians, including many persons in my riding of Brant. The bill aims to: first, establish an office of the ombudsman for older adult justice; second, to establish an older adult justice agency; and third, to include for the purpose of sentencing in the criminal justice system, the vulnerability of an elder person as an aggravating circumstance.

(Motions deemed adopted, bill read the first time and printed)

* * *

CONTROLLED DRUGS AND SUBSTANCES ACT

Mr. Rob Merrifield (Yellowhead, CPC) moved for leave to introduce Bill C-349, an act to amend the Controlled Drugs and Substances Act (substances used in the production of methamphetamine).

He said: Mr. Speaker, it is my privilege to introduce Bill C-349 on behalf of the people of Yellowhead and for all of Canada because of the importance of methamphetamine abuse and use within Canada. It is growing, particularly in my riding and it is unbelievably significant.

The bill would give RCMP officers another tool and would allow them to prosecute for the possession of the precursors to methamphetamine.

I will give an example of some of the things that have happened in light of this last weekend. We as a party have pushed back against the criminal element in our country by adopting amendments with mandatory minimum sentences for firearm crimes, by cracking down on smuggling, by strict monitoring of high risk individuals, by putting more law officers on the streets and by protecting children from sexual predators.

This bill would give another tool to the RCMP. The legislation deals with methamphetamine use. Its use is significant because of the abuse within our riding. An ambulance driver has told me that on a weekly basis he fights with somebody who is under the influence of methamphetamine.

The bill needs to be pursued by members of the House and I ask for support of every member here because of the significance within their ridings the same—

The Speaker: I remind hon. members that they are to give a brief summary of the bill in their explanation at this stage and not more.

(Motions deemed adopted, bill read the first time and printed)

* * *

PETITIONS**MARRIAGE**

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition signed by a number of Canadians including some from my own riding of Mississauga South on the subject matter of marriage.

The petitioners would like to draw to the attention of Parliament that the majority of Canadians believe that fundamental matters of social policy should be decided by elected members of Parliament and not by the unelected judiciary.

The petitioners call upon Parliament to use all possible legislative and administrative measures, including the invocation of section 33 of the charter, known as the notwithstanding clause, if necessary to preserve and protect the current definition of marriage as the legal union of one man and one woman to the exclusion of all others.

●(1520)

AUTISM

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition. The petitioners ask Parliament to amend the Canada Health Act and corresponding regulations to include IBI-ABA therapy for children with autism as a medically necessary treatment, to require that all provinces provide or fund this essential treatment for autism and to contribute to the creation of academic chairs at a university in each province to teach IBI-ABA treatment.

[Translation]

MARRIAGE

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I have the honour to table in this House a petition signed by constituents in my riding on Bill C-38, now under consideration. These people oppose changing the definition of marriage.

[English]

AUTISM

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I have a petition I wish to present on behalf of a very good friend and a wonderful person named Laurel Gibbons.

The petitioners ask Parliament to amend the Canada Health Act and corresponding regulations to include IBI and ABA therapy for children with autism as a medically necessary treatment and to require that all provinces provide funding for this essential treatment for autism.

Also, the petitioners encourage the federal government to work very closely with the provinces and territories to provide the necessary funds for all children and families who go through this terrible disease

VETERANS AFFAIRS

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, pursuant to Standing Order 36 I would like to present a petition on the veterans independence program, a program that has been very effective for veterans since 1981. It has been extended recently to the widows of those veterans.

We do have a considerable number of widows whose husbands died prior to 1981. They feel they should also be part of this program.

RIGHTS OF THE UNBORN

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, it is my pleasure to rise to table a petition from some 25 residents of British Columbia calling upon Parliament to support a motion calling for a woman's right to know with respect to the practice of abortion.

CHILD PORNOGRAPHY

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, I am further pleased to table a petition from some several hundred constituents of Calgary Southeast, principally members of the Saint Albert the Great Roman Catholic parish. The petitioners call upon Parliament to take all measures necessary to ensure that the possession of child pornography remains a serious criminal offence, and that the age of sexual consent be raised to 18.

EUTHANASIA

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, I am also pleased to table a petition signed by some 250 residents of British Columbia. The petitioners call upon the Minister of Justice and Parliament to maintain the criminal prohibition against assisted suicide and to respect innocent human life for the elderly and the inform.

MARRIAGE

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I present another petition to the House on marriage. Residents of the Fraser Valley ask Parliament to use all possible legislative measures to preserve and protect the current definition of marriage as being between one man and one woman to the exclusion of all others.

Routine Proceedings

NATURAL HEALTH PRODUCTS

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am very happy to present a petition signed by a number of residents from southeastern New Brunswick, the communities in and around Shediac and in fact all over New Brunswick.

These people call upon Parliament to make important improvements to the Food and Drugs Act and to provide Canadians with greater access to non-drug, preventive and medicinal options.

MARRIAGE

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I rise today to present a petition from members of my constituency of Elgin—Middlesex—London. The petitioners ask that Parliament define marriage in federal law as being the lifelong union of one man and one woman to the exclusion of all others.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I am very pleased to rise on behalf of the constituents of Fleetwood—Port Kells to present these petitions calling upon Parliament to use all possible legislative and administrative measures to preserve and protect the current definition of marriage as being a lifelong union of one man and one woman to the exclusion of all others and to recognize that marriage is the best foundation for families and for the raising of children.

• (1525)

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I rise today on behalf of the constituents of Newton—North Delta to present several petitions calling upon Parliament to use all possible legislative and administrative measures to preserve and protect the current definition of marriage as being a lifelong union of a man and a woman to the exclusion of all others and to recognize that marriage is the best foundation for families and for the raising of children.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, it is my honour to present a petition today signed by residents in a number of ridings in British Columbia. This petition adds another 201 names to all those who have asked Parliament to respond to their plea to recognize the institution of marriage as being the union of one man and one woman to the exclusion of all others.

* * *

QUESTIONS ON THE ORDER PAPER

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 60 and 70.

[Text]

Question No. 60—**Mr. James Rajotte:**

With respect to the Auditor General's report of November 2004 concerning Order Paper questions: (a) has the government asked Canada Post for an answer with respect to Question 37; (b) have all public declarations been certified as suggested by the Auditor General and if not, what is the deadline for certification; (c) when will the internal audit on the Order Paper question reforms announced by the government take place and will that report be made public; (d) how is the government clarifying under what circumstances Crown corporations should be compelled to provide information of a commercially sensitive nature in response to an Order Paper question; and (e) what is the status of including an appendix of instructions with all answers to Order Paper questions?

*Routine Proceedings***Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Mr. Speaker, the response is as follows: a) Canada Post Corporation provided a response to Question No. 37. As noted in the government's response to the Auditor General on order paper questions, the government is considering under what circumstances crown corporations can or should be compelled to provide information of a commercially sensitive nature in response to order paper questions. More information on the issue is outlined in the response to part d) below.

b) The Ethics Commissioner is charged with this responsibility and as an officer of Parliament has responded directly to the member of Parliament on this element of the question.

c) The government will ensure that an audit is undertaken after the changes to the order paper questions process announced in February 2004 and the Auditor General's recommendations of November 2004 have been in place for a sufficient period of time to produce valid audit results. The audit would therefore likely be performed in the summer of 2006. In keeping with government practice, once the internal audit is completed, it will be posted on the appropriate government web site.

d) The government has studied this matter in the context of the review of the governance framework for Canada's crown corporations. It recognizes the need to strike a balance between making relevant information more readily accessible to parliamentarians and the general public, and the protection of critical interests of crown corporations including commercially sensitive information holdings.

The report on the "Review of the Governance Framework for Canada's Crown Corporations", which the President of the Treasury Board tabled in the House of Commons on February 17, 2005, committed the government to take action to improve the disclosure of information by crown corporations. This includes: the requirement that crown corporations hold annual public meetings; guidance to crown corporations to increase disclosure of non-financial information in annual reports; formal certification of financial statements by the chief executive officers of crown corporations; and amendments to relevant legislation to allow the Auditor General to audit and conduct special examinations in all crown corporations.

The Access to Information Act is built on the principle that Canadians have a right of access to government information. In the report on the "Review of the Governance Framework for Canada's Crown Corporations", the government announced its intention to extend the application of the act to 10 of the 18 crown corporations currently not covered by the act, bringing the total to 38 out of 46 crown corporations. The government indicated that seven more will be brought under the act once appropriate amendments are developed. The eighth crown corporation, the Canada Pension Plan Investment Board, is not included at this time as its inclusion under the Access to Information Act will require provincial consent. As a result, all crown corporations will soon be subject to an established, fair, standardized disclosure regime with built in appeal mechanisms that already applies to government departments and agencies.

e) Officials from the Office for the Coordination of Parliamentary Returns, Privy Council Office, have met with officials from the

Journals Branch of the House of Commons to determine the appropriate way to include the appendix of instructions provided to government organizations in the overall government response to written order paper questions. The government agrees that when the Office for the Coordination of Parliamentary Returns issues instructions to government organizations to assist them to interpret a question in a consistent manner, these instructions will be tabled along with the government's response for written questions placed on the notice paper beginning on April 4, 2005.

Question No. 70—Mr. Joe Preston:

With regard to the government's appointment process for chief executive officers, directors, and chairs of Crown corporations: (a) what action, if any, has the government taken or does it contemplate taking to create a new set of appointment rules; and (b) if created, when will the government be tabling these new guidelines?

Hon. Claude Drouin (Parliamentary Secretary to the Prime Minister (Rural Communities), Lib.):

Mr. Speaker, on February 17, 2005, the President of the Treasury Board tabled in the House of Commons a report entitled "Review of the Governance Framework for Canada's Crown Corporations". The review set out the government's modifications to the appointments process for chief executive officers, directors and chairpersons of crown corporations. These changes are designed to ensure that the appointments process is not only competency-based, professional and transparent, but is also consistent with the ability of the government to exercise its responsibilities as owner.

Specific measures announced in the review that relate to appointments are as follows:

Measure No. 16

Selection criteria for chairs and board profiles will be made public by the government. Similarly, crown corporations will make CEO selection criteria available to the public.

Measure No. 17

The government will develop a central website to solicit potential candidates for director and chair positions.

Measure No. 18

The selection process for the CEO will be determined by the board of directors and will include, at minimum, advertising in either or both the Canada Gazette and the corporation's website.

Measure No. 19

The government will obtain references on all candidates for appointment as director or chair. In the case of CEOs, the board's nominating committee will be required to do the same for any candidate it submits to the government for appointment. In addition, the government will continue to conduct background checks and ensure that candidates are not in a conflict of interest, prior to making any appointment.

Measure No. 20

The government will work closely with parliamentary committees to ensure a workable appointment review process that will not unduly delay necessary appointments.

Privilege

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question Nos. 39, 69, 72, 74, 76 and 77 could be made orders for returns, the returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 39—**Mr. John Williams:**

With regard to public opinion polling and research conducted for government departments, agencies and Crown corporations: (a) what was the total cost of polling and research commissioned for each department, agency and Crown corporation in fiscal years 2002-2003 and 2003-2004; and (b) in each case where polling or research was contracted for or requested, (i) which department, agency or Crown corporation requested the polling or research, (ii) what was the name and location of the company to do the polling or research, (iii) what was the title of the poll or research conducted, (iv) what was the cost of the poll or research, and (v) which department, agency or Crown corporation paid for the polling or research?

(Return tabled)

Question No. 69—**Mr. Scott Reid:**

With regard to the motion adopted unanimously by the House of Commons on October 24, 2002, which requested that the Prime Minister raise with President Jiang Zemin of China the issue of the imprisonment in China of 13 Falun Gong practitioners who have close family ties to Canada, since that time, what concrete measures have been taken by the Prime Minister, by Canadian officials at Canada's embassies and consulates in China, and by officials at Immigration Canada to ensure compliance with this motion, and in particular to ensure that all 13 of the individuals named in this resolution be granted visas to enter Canada if they so requested?

(Return tabled)

Question No. 72—**Mr. Joe Preston:**

With respect to the travel and activities of the Governor General: (a) what is the detailed breakdown of costs of all international travel since 1993; (b) since 1993, were travel funds allotted to the Governor General from any government departments and, if so what were the amounts; and (c) did the Departments of Foreign Affairs, Canadian Heritage and National Defence, and the National Capital Commission allot any funds to the Governor General's activities during the last five years and, if so, what were the amounts?

(Return tabled)

Question No. 74—**Mr. Marcel Gagnon:**

With respect to persons eligible for the Guaranteed Income Supplement who are not receiving it, persons eligible for a survivor allowance who are not receiving it, and persons eligible for a spouse's allowance who are not receiving it: (a) what has the government done, and how often, to try to trace these people; (b) how many letters have been sent out by Human Resources and Skills Development Canada and the Canada Revenue Agency; (c) how many people have been reached by phone; (d) how many forms have been mailed out; (e) how many providers of services to seniors have been contacted; (f) how many information inserts have been mailed out; (g) how many renewal applications forms have been sent out when someone no longer submits an income tax return; (h) what kind of publicity for these benefits is done in major centres, and how often; and (i) what else has been done?

(Return tabled)

Question No. 76—**Mr. Rob Anders:**

For each year since 1997, was any funding provided to the Carleton University Norman Patterson School of International Affairs and, if any, from which department, agencies and Crown corporations was the funding requested?

(Return tabled)

Question No. 77—**Mr. Rob Anders:**

For each year since 1997, was any funding provided to the University of Calgary Centre for Military and Strategic Studies and, if any, from which departments, agencies and Crown corporations was the funding requested?

(Return tabled)

[English]

Hon. Dominic LeBlanc: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

The Speaker: The Chair has notice of a question of privilege from the hon. member for Windsor West.

* * *

PRIVILEGE

PRINTING AND FRANKING PRIVILEGE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise on a question of privilege to address a very important issue. As the member of Parliament for Windsor West, I feel that my privileges were breached by a mailing that was sent to several areas of my constituency. I received complaints from my constituents about it. It not only lied about my record as a member of Parliament, but it also lied about the role of Parliament.

The mailing was sent under the franking privileges of the member for Medicine Hat. I do not know if the member authorized it or saw it prior to it going out. I have now given him a copy of it. The return address on it is to the leader of the official opposition.

The mailing was quite shocking because it indicated that I did not support the RCMP. What was really disgusting and disturbing about the mailing was the fact that it arrived on the doorsteps of my home and others on the very day the country was mourning the loss of four RCMP officers.

There are ways to revoke mailings at the last minute. As a member of Parliament, I have done it myself, and I believe that should have been done.

The document itself is a breach of parliamentary privilege. Specifically, the mailing said, "In November your Member of Parliament had the opportunity to transfer \$20 million from the gun registry to the RCMP".

There was no vote in November, Mr. Speaker, in which I could participate. There was a vote in December in which I did oppose further supplementary money going to the gun registry. I voted with the Conservative side and other members of different political parties at that point in time. The mailing is factually wrong on that instance.

Procedurally, I would like to have this matter sent to the Standing Committee on Procedure and House Affairs for examination. The mailing misleads the constituents of Windsor West about the procedures of the House of Commons. We cannot take money from one budget and put it into another on a whim, as the document indicates.

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The document stated, “Instead of supporting Canada's hard-working Mounties, your M.P. voted against this proposal”.

I found that also disgusting. As a former municipal councillor and in my current role as a member of Parliament, I have always supported the police department as well as the RCMP.

The information in this mailing is wrong. It lied. It spread the wrong information to my constituents. It was not factual with respect to my voting record as well as with respect to the role of Parliament.

A series of questions were also included in the mailing such as: “Do you think the gun registry should be scrapped? Yes or No.” “Do you support the Conservative plan to ensure front-line officers are properly funded to keep your streets safe? Yes or No.” This is ironic because one could take the argument that I support the gun registry so therefore I would take RCMP officers off the street. One could argue that the Conservative Party has been pushing for tax cuts for corporations and taking RCMP officers off our streets. There is a double standard that is not acceptable.

It is important that this be referred to the Standing Committee on Procedure and House Affairs. An apology should be issued to the residents of Windsor West. Cards containing personal information will go to the data bank of the leader of the official opposition for whatever kind of distribution. This information will be accumulated under misleading and false pretences.

I do not have a problem with the government mailing information to my riding. For example, it recently mailed out literature with respect to farms even though I have only one farm in my community of 118,000 people. The government was speaking its voice. The information was not misleading. It did not state anything not factual about my record.

This case needs redress. The Conservative Party should pay back the taxpayers of the country for misleading information.

• (1530)

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, I think my friend's outrage is a little over the top. The truth is that there was a vote in November in the justice committee where Conservative members proposed that \$20 million be transferred from the firearms registry to the RCMP. The NDP actually opposed the transfer of that money. My friend may not have participated in that vote. He may have found a way, through proxy, to have other members oppose that particular motion.

He says that Parliament does not have the authority to make proposals like this. Of course Parliament has the authority to do that. We make motions all the time. We can make proposals. Whether or not the government decides to go ahead with them is really up to the government. In private members' business we can pass all kinds of private members' bills in the House that never see the light of day because, unfortunately, the government often decides to bury those things. However that does not mean we should give up and not show up for a vote or not participate in these things. We have an obligation to do that.

Finally, my friend says that he and his constituents were somehow intimidated by this literature. When I think of the word “intimidated” I think of the word “threatened”, that they were somehow threatened

physically or frightened into a particular course of action. I fail to see how this ten percenter could frighten anybody into doing anything.

I would argue that the member is engaging in nothing but hair splitting and that this is not a question of privilege. This is simply debate.

Mr. Brian Masse: Mr. Speaker, the point of the matter is that I was not in the justice committee and I am not a member of that committee. The issue is that this specific document claims actions that did not take place.

This is about parliamentary privilege and the use of taxpayer money to spread lies and mistruths about members and that is not acceptable. On the issue of intimidation, it is a fact that members in the community would be replying to information that is not factually correct and having their private information accumulated based upon that and documented and stored with the Conservative Party of Canada based on mistruths.

The Speaker: I think we have heard enough on this. I will review the submissions of hon. members on the point. I want to thank the member for Windsor West and the member for Medicine Hat for their helpful comments and suggestions.

The hon. member for Windsor West was kind enough to send me a copy of the document in question with the letter indicating notice of his question of privilege, so I do have that in possession. If the hon. member for Medicine Hat has any other copies that he thinks may be different, I would be more than happy to see any of that kind of material from him. However no one is offering to table anything here today so I will work with the copy I have.

I will get back to the House in due course on this matter.

GOVERNMENT ORDERS

• (1535)

[English]

CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the amendment.

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I am pleased to speak to this matter today. I would like to underscore from the outset that I will not digress into name calling nor will I offer condemnation of others who may not share my views on this topic.

I firmly believe that we should debate ideas in this chamber and that it is both acceptable and expected that people of good faith will from time to time have legitimate differences of opinion.

Accordingly, to help succinctly outline my thoughts on this contentious and complex issue, I will endeavour to subdivide my remarks into two categories: first, my personal thoughts; and second, the Supreme Court ruling.

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First, let me take a moment to share my personal thoughts. I strongly believe that the institution of marriage should remain confined to opposite sex couples. I strongly support the stand that federal lawyers took in the Ontario court when they said that marriage embodies the complementary of the two human sexes. It is not simply a shopping list of functional attributes but a unique, opposite sex bond that is common across different times, cultures and religions as a virtually universal norm.

Marriage is a relationship that is as old as time itself. It existed prior to our laws and is a core building block of modern society that must be preserved.

All in all, retention of the traditional definition of marriage is not about discrimination against same sex partners. After all, same sex couples already have all the tax and societal benefits extended to opposite sex couples.

Let us for a moment examine the recent ruling of the Supreme Court on the subject. While this particular aspect is complex, I would like to attempt to offer clarity with respect to what the court said and did not say.

Essentially there are two points that should raise concern: the impact that redefinition of marriage could have on religious officials and institutions, and the impact that it could have on non-religious officials who perform civil marriages and issue marriage licences.

Third, the court did not answer the question of whether the opposite sex requirement for marriage is consistent with the charter. The Supreme Court did not say that to maintain the traditional definition of marriage would be unconstitutional. It said that to change the definition would be within the power of the federal government. There is a distinct difference.

Now, to break down the concerns surrounding each of these important points.

Issue number one: Protection of religious officials and institutions from being forced to perform same sex marriages. For many opposed to changing the definition of marriage to include same sex marriages, the main point of contention is the impact this decision could have on religious institutions and officials.

The federal government has most recently, through the statements of the Prime Minister, stated that the guarantee of religious freedom in section 2(a) of the charter is broad enough to protect religious officials from being compelled to perform civil or religious same sex marriages that violate their religious beliefs.

The clarity with which these assurances have been given was echoed in material circulated by the Liberal Party. Specifically, last December 11, in a document received by my office, the Liberal Party stated that the Supreme Court decision upheld the guarantee of religious freedom in section 2(a) of the charter. It further stated that the said protection was broad enough to prevent religious officials from being compelled by the state to perform civil or religious same sex marriages that were contrary to their religious beliefs.

What the document omitted was the statement included in the Supreme Court's decision which said that religious freedoms would be protected unless there were unique circumstances with respect to which it would not speculate.

At the same time, the government, again through the Prime Minister, has been stating that the consequences of enshrining same sex marriage will not impact religious institutions or religious officials.

While the court has been emphatic with respect to the generally held right under the charter which will ensure that religious officials cannot be compelled by the state to perform marriage ceremonies against their faith and that the same applies to the use of sacred places, there remains an open question related to unique circumstances.

Also, we have no absolute definition of what constitutes sacred places. I would like to know if that would include a reference to all church or ministry held properties, some of which are made accessible to the general public. This question comes to mind because, even as I speak now, the the Knights of Columbus in B.C. is being forced to defend itself against charges of discrimination.

The Knights of Columbus recently refused to permit a gay couple to use its facility for a same sex wedding and, as a result, it has been called to account for its actions by the B.C. human rights tribunal. It seems that its religious beliefs may not be enough to protect it against a charge of discrimination based upon the sexual orientation of its rejected clients.

Issue number two: Of the individuals duly empowered by the civic authority or provincial governments to perform marriages, would they be able to avail themselves of the charter protection of their religious beliefs?

● (1540)

The court in its opinion has indicated that under certain circumstances there would appear to be limits on religious freedom. In its ruling, the court clearly indicates that where a collision of rights occurs, that collision must be approached on the contextual facts of actual conflicts. The court went on to state that where the rights cannot be reconciled, a true conflict of rights is made out. In such cases, the court will find a limit on religious freedom and go on to balance the interests at stake under section 1 of the charter. The application of this limit was said to apply principally to individuals who are not religious officials but are empowered to perform marriages yet refuse on the grounds of religious freedom.

In essence, the court is saying that it would override the personal religious freedoms of citizens if they came into conflict with other more fundamental rights. In such circumstances, the court felt that it would be improper to assess whether the proposed act, if adopted, would create a collision of rights in otherwise undefined spheres.

Again there is a recognition of as yet unanswered questions which may arise in the future.

The charter states the following with respect to religious freedom:

2. Everyone has the following fundamental freedoms:
 - a) freedom of conscience and religion;

The operative word, of course, is "everyone".

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In response, the attorney general said that the interest engaged and protected by subsection 2(a) of the charter is freedom to hold one's religious beliefs. This freedom has been characterized by this court as the absence of coercion or constraint. If a person is compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free.

He went on to explain that freedom means that, subject to such limitations as are necessary to protect safety, order, health, morals or the fundamental rights and freedoms of others, no one can be forced to act in a way contrary to his or her beliefs. To me, it would appear this reference would possibly include marriage commissioners and other civil servants expected to perform marriage ceremonies who express opposition on religious grounds to doing so. Even certain ministers and members of the House have said that will be the case.

Issue number three: What does it mean if the court has not answered the fourth question related to whether opposite sex marriages are consistent with the charter?

As to the need to answer the question, the court explained that the government's stated position is that it will proceed with legislative enactment regardless of what answer we give to this question. The court felt that the government had clearly accepted the rulings of lower courts and had adopted their position as its own. Justices believed that, given the government's stated commitment, an opinion on the constitutionality of an opposite sex requirement for marriage serves no legal purpose.

Again what this means is that the Supreme Court did not rule on whether or not the traditional definition of marriage was unconstitutional because, by not appealing the lower court decisions on the matter, the government had already indicated that it intended to make same sex marriage legal.

At a minimum, the points to which I have referred have given rise to more questions. I believe that in the absence of clarification from either the courts or the Department of Justice, we as legislators must step to the plate and make certain that no stone is left unturned on this matter.

If the points raised have any substance, there is no blanket protection for religious institutions or officials. If the points raised are accurate, there certainly will be no protection provided to civil officials who are currently empowered to perform marriages who attempt to use the provisions of subsection 2(a) of the charter.

Until these points are given further clarity or there is an adequate explanation as to why the concerns outlined above are without merit, it would be impossible for me to support the proposed legislation as I now understand it.

Let me be crystal clear. I support the charter but, while I believe the charter is a fine document with lofty ideals, I do not accept that it is being interpreted by the courts in a manner consistent with its intended premise.

On the matter of rights, I should also point out that there is not an authority in the world, including the United Nations or the Supreme Court of Canada, that has declared the right to marry to be a basic right or has suggested that maintaining the opposite sex only

definition of marriage is discriminatory. I point this out only to show that this is not a matter of discrimination but rather a public policy debate that has been selected for advancement.

In closing, I am not prepared to vote in favour of same sex marriage for the reasons I have set upon the table today. Moreover, when I surveyed each household in Huron—Bruce with the question "Should same sex marriage be legalized?", a resounding 83% told me no. As the representative of the people and as a man of faith, I have no alternative but to vote against this particular bill.

• (1545)

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the federal government is the sole arbiter of the definition of marriage, yet the Liberal government and its predecessor chose to ignore this fact. They made no moves toward enshrining the definition of marriage in law. Instead, they chose to abrogate their responsibilities. They let a number of lower courts rule against the common law definition of marriage without contending the action.

To add insult to injury, when the government finally crafted marriage legislation, it sent it to the Supreme Court for review before it was presented to Parliament. It hoped that the Supreme Court would tell it what it must do, so that it could claim that the courts and not it ordered the redefinition of marriage. Thankfully this did not happen and now it has to stand up and be counted.

I support the traditional definition of marriage; that is, the legal union of a man and a woman. I do not agree with the proposed definition of the union of two persons. I say this with no intention of taking away any perceived benefit from anyone.

It matters not to me in this debate whether an individual is sexually oriented heterosexual or homosexual. In the main, both orientations are a matter of birth and are unchangeable. Sexual orientation is not in dispute here. It is the attempt to use sexual orientation as a fundamental rights issue where it does not exist.

I do not perceive the call for the redefinition of marriage as a fundamental rights issue, but one where Parliament is considering changing the meaning of marriage to such an extent that it loses its essential purpose. Marriage has been a fundamental concept of societies for thousands of years across all continents and cultures involving the union of men and women for the implicit purpose of generating children and establishing the family as one of the building blocks of society.

Marriage not only serves the interest of the two individuals but also the interest of their children and society. This is why, through a series of administrative privileges, states choose to support heterosexual couples that marry.

The proposal to change the concept of marriage as currently understood is so dramatic an adjustment that its fundamental purpose, the generation of children within a family setting, is being set aside. The change being proposed is equivalent to saying that society does not need children because a same sex arrangement cannot and will not produce children.

I firmly believe that dignity and equality do not depend in any way on race, religion, sex, sexual orientation or marriage state. One's dignity and equality before the law is based on the fact that we are all human. As humans we are entitled to fundamental rights and depending upon our circumstances conditional or legislated rights. There are fundamental rights like the right to life, freedom of speech, freedom of religion, and the security of the person et cetera. Other rights that we enjoy are conditional and granted through legislation. Marriage is one.

People have the right to marry as defined in the Universal Declaration of Human Rights, article 16, as long as they fulfill the conditions inherent in this right. In this particular case, heterosexuality is recognized as the inherent condition for marriage because its implicit purpose is the generation of children. Marriage is not and has never been a basic human right. Marriage is a social and religious practice in which people join together their lives in emotional and economic ways through the forming of a household.

Because it holds the future of society, it has been conferred with rights and obligations with respect to raising children, holding property, sexual behaviour, kinship ties, and the relationship of society, inheritance, emotional intimacy and love.

Marriage establishes the legal father of a woman's child, establishes the legal mother of a man's child. It gives the husband and wife control over each other's sexual services, labour and property. It also establishes a relationship between the families of the husband and wife.

As I have just noted, there is a contractual element to the current definition of marriage which is consequential to the arrangement. Most importantly, it should be noted that the contractual aspects are not the fundamentals of marriage. It is the generation of children within a family that is at the heart of marriage.

Marriage has traditionally been the prerequisite for starting the family which serves as the building block of society. The ceremony in which the process of marriage is enacted and announced to the community is called a wedding.

● (1550)

A wedding in which a couple is recognized in the eyes of the law is in effect a civil or contractual union conferring legal benefits and obligations of the state. Religious weddings occur according to the beliefs of a particular religion. States do not normally recognize religious weddings from the point of view of legal obligations and benefits unless a civil ceremony took place at the same time.

To state the obvious, there are two sexes: male and female. Humans evolved as two kinds for a purpose, otherwise there would have been a self-generating unisex human. We are not unisex. We are male and female. It takes the egg from the female and the sperm from the male to generate new life. Once the child arrives, it must be nurtured and supported until it is an adult. The best arrangement for this is the family with a mother and a father.

At this time, there are a large number of single parent families in Canada. Single parents provide their children with the vital support and nurturing they need to grow, but the children do not have the guidance and support of the missing parent. Nearly everyone would

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agree that although this is the current reality, it is certainly not the preferred situation.

There are also heterosexual marriages that do not generate children for physical or emotional reasons, or because they choose not to. Regardless, the implicit purpose and conditions of marriage as currently understood exist.

For practical reasons, not every family will have two parents, but why does the Parliament of Canada want to pass a bill that will exacerbate the problem?

Canadians need to feel that the state gives a prime importance to the institution of heterosexual marriage and that it is ready to support it in a privileged way those who take this step. This encouragement can only benefit the state and society as a whole. To decide to place marriage and same sex unions on an equal footing would bring about a harmful devaluation of marriage as we know it.

The government has placed one clause in its bill that states that religious officials will not be forced to solemnize same sex marriage. This is disingenuous. The federal government has no jurisdiction in this area of law. It is the responsibility of the provinces to offer protection to those who conduct the marriage ceremony. The government has placed this clause in the bill for public relations purposes.

If the government's bill were to be enacted, as sure as the sun comes up in the morning, religious institutions that oppose same sex marriage would come under attack. They would come under attack from two sources: Revenue Canada on their tax free status in a situation where they are opposing the government's political will and the courts if there is a perceived conflict between religious and same sex rights.

To conclude, marriage as currently defined, that is between a man and a woman, is based on nature. Its purpose is the generation of children and the future of society. Same sex unions, by their physical nature, cannot generate children and, therefore, do not meet the essential purpose of marriage.

Those who support same sex marriage cannot claim it as a fundamental right equivalent to freedom of speech or freedom of association. There is no credible jurisdiction that claims marriage as a fundamental right.

Marriage from the point of view of the state is a conditional or legislated right. The government, in attempting to radically redefine marriage, has turned marriage into a mere matter of contract law and away from its purpose as the generator and building block of society. Marriage for me is more than contract law.

I cannot support this government's legislation and I intend to vote no.

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, I am proud to rise to speak in defence of minority rights, in defence of the Charter of Rights and Freedoms, and in support of the government's legislation allowing for the civil marriage of same sex couples.

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This is a historic debate and I say this as somebody who was once a professor of history. These debates, when the private conscience is in dialogue with public policy, are actually rather rare in our parliamentary history. They occur perhaps once every parliamentary generation.

I can remember sitting in this gallery in June 1977 during an all night debate and vote when the House came to a conclusion on the subject of capital punishment. That was one of those historic moments and there was a sense of history in the House that night. In the 1980s there was an equally impassioned debate in this place on abortion. Now, in our time, it is our turn to think about where we stand on this very important matter. This is a historical debate on same sex marriage.

I fully recognize that this is not an easy matter for members. I recognize, as have others, that people of good faith and conscience can genuinely disagree with each other on this matter, as I do respectfully with the hon. member for Huron—Bruce and the previous speaker, the hon. member for Carleton—Mississippi Mills.

It is also important to say that I have not always thought this way on this subject. In 1999 the opposition put forward a motion which stated “marriage is and should remain the union of one man and one woman to the exclusion of all others”. I was not one of the 12 Liberal members of Parliament who voted against that motion, but quite simply, I had not given it much thought because it seemed to me a self-evident proposition at that time.

What caused me to change my mind? I can be quite precise about that as well. I read the 2003 Ontario Supreme Court judgment of Justices McMurtry, MacPherson and Gillese. I read passages about human rights which said:

Human dignity means that an individual or group feels self-respect and self-worth. It is concerned with physical and physiological integrity and empowerment. Human dignity is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merits of different individuals, taking into account the context underlying their differences. Human dignity is harmed when individuals and groups are marginalized, ignored, or devalued, and is enhanced when laws recognize the full place of all individuals and groups within Canadian society. Human dignity within the meaning of the equality guarantee does not relate to the status or position of an individual in society per se, but rather concerns the manner in which a person legitimately feels when confronted with a particular law. Does the law treat him or her unfairly, taking into account all of the circumstances regarding the individuals affected and excluded by the law?

I read further passages about the legal component of marriage, clarifying what I would call my previous misunderstanding that religious and civil components were inextricably bundled together. Here is what the judgment said:

Marriage is a legal institution, as well as a religious and a social institution. This case is solely about the legal institution of marriage. It is not about the religious validity or invalidity of various forms of marriage.

I read and was reminded of the historical discrimination, disadvantages, and vulnerability experienced by the minority in our society of gay men and women and same sex couples:

Homosexual couples as well as homosexual individuals have suffered greatly as a result of discrimination. Sexual orientation is more than simply a “status” that an individual possesses. It is something that is demonstrated in an individual's conduct by the choice of a partner...Studies serve to confirm overwhelmingly that homosexuals, whether as individuals or couples, form an identifiable minority who have suffered and continue to suffer serious social, political and economic disadvantage.

●(1555)

By the time I had finished reading this 30 page judgment, I had completely changed my mind. I was persuaded that same sex civil marriage was overwhelmingly a human rights issue and that I knew which side of history I wished to be on.

Equally important, I saw clearly for the first time the crucial distinction between religious marriage and civil marriage. There are these two kinds of marriages in Canada right now, religious and civil. There are many couples who do not get married religiously but who do get married at city hall and we are allowed to call them married.

It strikes me, on the civil side, that this is exactly what the role of the state is really about. It is our job and the job of the provinces to declare when people are married legitimately from a civil point of view. The religious part, whether it is legitimate to recognize same sex marriage in a church, mosque, temple or synagogue setting, is not up for debate, at least not by us in this place. Each religion is currently being challenged by this issue as each government on the civil side. It is not for us legislators to determine what religious institutions can or cannot do; in fact this bill explicitly protects religious institutions for that reason.

My own church, the Anglican Church of Canada, is grappling with this issue. The debate is global within the Anglican community, with the African Church strongly opposed to positions taken by certain diocese in Canada and in the United States. As a member of my church, that is a separate debate and I have a separate role to play in that debate.

I was also in a mosque in my riding about a month ago. I have one of the highest numbers of Muslims of any member of Parliament in my riding. I spent an evening with those people of faith discussing Bill C-38, explaining to them that as rights were important for them in this society, so they were important for other minority groups. It was an impassioned and difficult debate for everyone, but it was a respectful one. I think it was useful for everybody.

I am absolutely committed to the notion that if it is possible for the state to recognize people in a civil marriage, then that privilege needs to be extended to gay people as well.

As for those who would therefore propose that we withdraw the word “marriage” from civil union, what they are in effect asking the state and us a legislators to do is to withdraw a right that has already been accorded to opposite sex couples. We do not extend rights to one group by withdrawing them from another. We on this side of the House and many on the other side of the House are not in the business of withdrawing rights from Canadians. We are in the business of defending them, for that is what the most lasting and noble duty of democratic leaders can be.

As a former member of the House once noted in a debate in another place, the National Assembly of Quebec, rights are rights are rights. That must be our battle cry.

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One of the great national projects in Canada over the past 50 years and essentially within my own lifetime has been the huge and satisfying increase of tolerance and understanding for other people in Canadian society. This has been a great evolving and continuing national project extending human rights over the past years. There was a time, and we can remember it, when people who spoke French in this country, people who were Roman Catholics in this country, people who were Jews, blacks, and women were discriminated against. We have, as part of our increased understanding of what it is to be Canadian, extended rights to those people.

Even if we pass this bill, as I hope we do, our work will not be done in the field of extending human rights. There are rights for disabled people which have to be dealt with. There are rights for children. The great human rights project of this country which is Canada must continue.

What Bill C-38 is really about is this ever growing sensitivity to the rights of other groups we may not have thought about very much before. It is about standing up and being counted when the tides of history demand it. Ultimately it is about building the Canada we all want.

• (1600)

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): Mr. Speaker, Bill C-38, the civil marriage act to change the definition of marriage is before us at second reading, which is the first chance to debate the bill in the House.

Much will be said about the bill by others, but I have reproduced the complete bill itself for distribution to every household in my constituency. I encourage everyone to always check primary sources rather than just rely on the so-called experts about what is claimed the bill says or will do. Especially unreliable is the current justice minister who has abandoned basic truth, sound legal reasoning and obviously his faith. Little of what he says can be believed any more in view of what he has purported about this bill. In contrast, I have provided an unfiltered primary source for evaluation by my community. They can read the full bill for themselves.

The outcome of this landmark sociological proposal remains far from certain. The government would like to say that this bill is a done deal. However, on February 1, just 139 members of the 308 in Parliament surveyed said they would vote in favour of the bill.

There will be votes after second reading debate and votes at committee, if it gets that far. The bill could fail at any stage. There could then be a report stage vote in the Commons and then third reading debate and a vote on the final version of the bill.

The Liberals may be tempted to use closure or time allocation rules to shut down the House of Commons debate and forge ahead, but if they do that, they will be transparent in their utter contempt for average Canadians. If the bill gets that far, it would then have to go to the Senate for its consideration and votes.

Over the next while the Liberals will try to persuade those on the fence to rally to their cause.

The NDP and the Liberals are officially promoting the bill as their party policy. Make no mistake. Support or a vote for the Liberals or the NDP is to directly support changing the definition of marriage. It

is what those parties are about, and if they get their way with this one, who knows where they will take us next. They are whipping their members to vote along party lines.

In contrast, the Conservatives are giving all their MPs a free vote. Officially, the Conservative leadership will be trying to introduce amendments along the way to find some halfway ground. Conservatives will never impose what Canadians do not want.

In my role as community leader and parliamentary representative, I give respect to all points of view, provide the best democratic representation possible and ultimately vote the constituents' wishes. It is people in the community who let me know very quickly and strongly about which topics are of sufficient concern to them that they want direct supervisory involvement of my vote. For the seat I occupy in the Commons is not owned by the party or by me; it is owned by constituents.

Although I am undecided about the bill until my community tabulation is done, I am not personally neutral as I provide leadership. I believe that all Canadians should be able to examine their own conscience and then vote.

Since we will not have an election on the issue and since the government will not permit voters to have their say directly at the ballot box, it falls on me to strongly engage the community. I provide advice and information and promote respect rather than rancour.

It is my advice to the community that this bill is not about minority rights, but about social structure and the democratic ability of the community to determine that structure.

We do not elect governments by telephone survey. We use ballots. I am doing the same in my constituency on this matter.

Canadian parliamentary democracy has rules. Parliament is not the government, but it is where the government comes to obtain permission to tax and spend the people's money and to get legislation passed. Governments propose but Parliament as a separate entity must finally vote the appropriation.

In addition, Parliament has an oversight role to hold governments accountable. That is why it is the constitutional duty of the opposition in Parliament to challenge what the government proposes and critique how the government administers. The government has now proposed to change the definition of marriage. It is the constitutional duty of the official opposition to test and challenge that proposition to see if the government can make a convincing case to the country.

The Conservatives are not obsessing about Bill C-38, but the media is.

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●(1605)

It is the government that has brought Bill C-38 to the House of Commons at this time and many ask why. Many are asking why the Liberals have given the country this issue now when there seems to be so many other pressing needs to deal with. The Liberals may have calculated for political posturing purposes that through this debate they might find an opportunity to smear the Conservatives with the label of intolerance et cetera in order to play schoolyard bully politics in the next election.

Nevertheless, I hope constituents will just keep their heads and calmly follow the democratic approach and vote their conscience. I am giving them the opportunity to vote directly. If we stick to time honoured democratic principles instead of trying to turn them on their head with so-called arguments about the tyranny of the majority, we as a society will be able to handle any challenge, even corrupt Liberal governments.

We need more democracy in Canada, not less. Voting is the only civilized way for our country to make basic decisions about how the community may want to be organized. The nation is having a conversation about Bill C-38 and we must be respectful and sensitive to all views. Then in conclusion we must vote and gracefully accept the democratic result.

One cannot espouse democracy only when one calculates that the result might go one's way. A democrat protects the process so that it is fair, then engages fully, but regardless of the outcome, accepts and defends the democratic result. In view of that basic principle I will vote the democratic majority view within my electoral district.

About the marriage issue, first we deal with discrimination. In Canada we have already dealt fully with discrimination against alternative lifestyle choices. There are legal protections everywhere in our law, and social benefits are fully provided to individuals in relationships. Outside of marriage the law is replete with social protections and that is where same sex arrangements are covered. If there is any discriminatory administrative policy left, we can deal with it properly. Then we can move forward to provide whatever is needed to those in a variety of domestic relationships.

However, about marriage, my community has been very clear about what constitutes a marriage and what does not. No trickery of law or of sociological prescription or sentimental plea seems to change what people in my community say. They tell me that these other arrangements that we may accommodate in law are just not marriage. They are something else. People know it is not marriage.

Voters recognize that there are rights in law and from that basis we generate respect and equal treatment. However, the law of equality cannot be stretched to make something into something else, which it inherently is not. For example, we can respect and defend the reality and value of an apple and an orange, but the charter law of equality cannot be misused to make an apple into an orange. The charter provision of equality does not require cookie cutter sameness, and it was never meant to.

The principle operates for applying for a marriage licence. There are all kinds of limiting and discriminatory rules for its proper operation such as age, sex, consanguinity, multiple licences, et cetera, which are in the Criminal Code and elsewhere. Even within

Bill C-38 which claims to end discrimination, it reinforces the discriminatory provision that one may marry a person of the same sex but cannot marry a person of the opposite sex if they legally discover to be technically brother and sister through adoption even though there is no blood connection. That discriminatory provision is in the very bill before us.

The points seem absurd to the average clear thinking person and only become confused when we have arcane legal arguments brought forward by lawyers who have a social engineering agenda. People must discriminate every day to make choices and to be able to function. The charter accommodates proper discrimination while maintaining equality. The average person is not confused about how equality and fairness that is guaranteed in the charter does not demand automaton sameness. They also know that the premise of the Prime Minister's speech is a fiction. They do not buy it.

In conclusion, the overwhelming ballot evidence from people in my community so far is that they are directing me to vote against the bill. They should receive no less.

●(1610)

[*Translation*]

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, it is an honour for me to speak on this subject.

[*English*]

On February 1 the government tabled the civil marriage act in the House of Commons to extend the right to civil marriage to same sex couples and reaffirm the independence of religious institutions.

We began this process by acknowledging that this is a difficult issue for many Canadians, one involving personal beliefs and religious convictions. Canadians have responded overwhelmingly to the legislation, both in support and in opposition. They have asked many important questions that will inform the debate and I commend them for joining in the dialogue, for contributing their opinions and, of course, their concerns.

While I am personally predisposed to support a bill that provides equal access to civil marriage for all Canadians, I cannot do it if it fails to uphold religious freedom. We must ensure that the rights of the church are protected and, as I have said in the past, I will not extend my unequivocal support to a piece of legislation without first hearing the concerns of my constituents and participating in a constructive debate to address these concerns.

I trust that this process will allow us to discuss the bill's provisions for upholding religious freedom. I want to assure my constituents that the government has done all it can to protect and uphold these rights, and I am confident to move forward on this important issue.

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One of the greatest challenges of being a member of Parliament is facilitating an agreement between groups with seemingly opposing points of view, all of which are fighting for the best interests of those concerned. This is the essence of democracy and the beauty of the Canadian way. We are a country that is defined by a plurality of cultures, beliefs and ideas, a country that has entrenched the principle of equality in our constitution and a country that is guided by these values.

It is my responsibility to uphold the Charter of Rights and Freedoms in my work on behalf of the people of West Nova and all Canadians.

The charter states explicitly, “every individual is equal before and under the law”. Each and every Canadian, regardless of sexual orientation, has the right to equal protection and equal benefit of the law. The legislation would respect and defend the rights of all Canadians. We cannot be indiscriminate in our use of the law, choosing to protect the rights of some groups and failing to protect the rights of others.

Furthermore, we must abide by the charter to protect the rights of minority groups. One example that has been cited by my colleagues effectively demonstrates the progress that has been made to advance equality in the country. Until 1929, women were not considered persons under the law and were denied the right to vote. The Persons case is an example of the efforts of Canadians to achieve equality and justice for a group that was not formally recognized under the law. Times have changed, our beliefs have evolved and our laws must reflect significant changes in Canadian society, otherwise we undermine the values of our entire system.

Bill C-38 is based on draft legislation that was referred to the Supreme Court of Canada on July 17, 2003. In December the court expressed that the matter of fundamental equality under the Charter of Rights of Freedoms, same sex couples have the same right to civil marriage as do opposite sex couples.

The reference to the court reflects the government's view that we must allow for the broadest discussion possible, especially since we are talking about a proposed change to a significant social institution. Ultimately, Parliament has the final say on the issue, but the ruling of the court has determined the legal parameters by which our discussions must be guided and has ultimately allowed for a fully informed debate in the House.

We must agree, understand and express to Canadians that the only way we can do it in a meaningful way is to use the notwithstanding clause, if that is what we choose to do.

[*Translation*]

In my opinion, it is not a matter of using the notwithstanding clause to take away or diminish the rights of any individual but rather to uphold rights.

[*English*]

Many Canadians argue that we should, instead, pursue the option of civil union. However the Supreme Court recognized same sex civil marriage as constitutional and declared “civil unions are relationships short of marriage”. While civil unions would allow same sex couples many of the rights of a wedded couple, it is not

marriage and is therefore less than equal. Only equal access to civil marriage will fully comply with charter equality guarantees.

• (1615)

The Supreme Court's ruling mirrored court decisions in Ontario, British Columbia, Quebec, Manitoba, Nova Scotia, Saskatchewan and Yukon. In these provinces and territories, the highest courts ruled that restricting civil marriage to opposite sex couples was unconstitutional under the equality provisions of the charter.

Therefore, Bill C-38 would make universal across Canada a right that is already accepted as law in eight jurisdictions, including Nova Scotia.

On September 24, 2003, Justice Heather Robertson of the Supreme Court of Nova Scotia ruled that the current law governing marriage in the province was unconstitutional and changed the common law definition of marriage to the lawful union of two persons to the exclusion of all others. This ruling has not been challenged. It has been 18 months and Nova Scotia has had no social upheaval, no change to the family and men are not becoming pregnant.

As a result of the court's ruling, the government moved forward and introduced the civil marriage act in the House. A non-marriage option, such as a civil union, would eventually be overturned by the court. Where we stand, we can either proceed with what we believe to be just and equitable or we can overrule the courts by using the notwithstanding clause and continue to do this every five years.

The Prime Minister has clearly stated that he will not use the notwithstanding clause. He will not deny Canadians their charter rights because we have worked too hard to build a modern, progressive nation that is respected around the world. We will never achieve a tolerant, inclusive society if we fall back on our values. This government believes in the charter and we will do all we can to defend it.

As I mentioned in my opening statement, my work as a member of Parliament is guided by our Constitution, of which the Charter of Rights is an integral part. I believe in the equality rights of Canadians and I want to ensure that this legislation fully protects the rights and freedoms of our religious institutions.

Of those who oppose Bill C-38, many do so in accordance with their religious beliefs and are fearful that the new bill may trump the rights of religious officials and institutions. I respect the opinion of those who oppose this legislation for religious reasons. We hold diversity in the highest regard and respect and tolerance are the glue that binds Canadian society. Out of respect for my constituents and for the position that I hold, I want to be certain that this legislation will uphold religious freedom.

In its response to the government, the Supreme Court declared “the guarantee of religious freedom in section 2(a) of the Charter is broad enough to protect religious officials from being compelled by the state to perform civil or religious same sex marriages that are contrary to their religious beliefs”. The government has stated, explicitly, that Bill C-38 respects the charter.

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The Government of Canada is guided by the Constitution and the charter, and the church is guided by beliefs in tradition. The government's proposed legislation is about civil marriage as a legal institution and not religious marriage. To reiterate, the bill provides for equal access to civil marriage and preserves the rights of churches to decide who has access to religious marriage.

Therefore we have a guarantee that the bill would not affect religious freedoms and that no church, synagogue, mosque or temple can be forced to perform a marriage that goes against its religious beliefs. However we cannot stop there. We need to look beyond the guarantees and to consider the practical implications of this legislation.

Canadians want assurances that religious freedom will be protected. There is the concern that religious groups will be forced to rent spaces for the celebration of same sex marriages. Currently there is a case before the B.C. human rights tribunal in which a lesbian couple is claiming discrimination against a Catholic organization over its refusal to rent out the hall for a marriage reception. Some religious groups fear that if Bill C-28 passes there will be many more such cases.

The government has acknowledged that most situations involving religious freedoms would fall within provincial or territorial human rights legislation. As such, the outcome would depend on the specifics of the case. However the Supreme Court was clear that religious freedom is fully protected by the charter and that human rights tribunals must also consider how to protect fundamental freedoms.

•(1620)

The Supreme Court has stated that this ruling applies to other concerns of religious groups, such as being forced to rent sacred spaces for the celebration of same marriages and religious officials being forced to celebrate civil marriages.

[*Translation*]

In conclusion, I must say that, as both an Acadian and a francophone, when I am asked to use the notwithstanding clause to take rights away, I cannot. I would do so if it was to preserve the rights of our religious institutions.

I encourage all members of this House to support this bill, if only to refer it to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, which will hear testimony from the general public.

[*English*]

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, first, I want to thank the leader of my party for his strong leadership here in Parliament and for giving me the opportunity to represent my constituents in a free vote on this bill.

I have worked hard to come to a decision on how to vote on this issue of how to govern the historic institution of marriage. I have carefully gauged my constituents and used my judgment as to what is best for Canada.

To begin with, I strongly believe in the traditional definition of marriage, a definition that was drawn from religious institutions long

ago and entrenched in our common law, a definition overwhelmingly supported by the constituents of Selkirk—Interlake.

I want to stress that tolerance should be at the centre of this debate, the Constitution and the Charter of Rights. However tolerance is a two way street. We must not only tolerate, but respect the opinions of both sides of this debate. We have to determine how to best address all minorities within this House in interpreting the charter and our Constitution.

The Supreme Court refused to take the judicial activist approach of redefining marriage for Parliament. Instead, it made it clear that it was indeed the job and purview of Parliament to define marriage.

The Supreme Court did recognize changes in provincial common law but ultimately left it up to Parliament to determine how best to deal with this matter, otherwise we would not be having this debate at all.

When we talk about the kind of tolerance we want, we can choose to be tolerant on both sides of this debate. This can be done by recognizing the traditional definition of marriage and the equality of same sex civil unions.

Clearly, the government has not taken a tolerant approach but instead is using this vote to divide Canadians. Even the government's own MPs are divided on the government's approach to the legislation.

I ask the Prime Minister, once again, to make this important issue a free vote for all his MPs, including his cabinet ministers. If this is not a purely free vote, Canadians will never, and I mean never, be truly satisfied that the democratic process has prevailed.

The strong-arm legislation the government has introduced will increase the intolerance in our society. Examples of this intolerance that this government is promoting have already occurred in Manitoba, Saskatchewan and British Columbia.

In Manitoba, 11 commissioners have been told that they are no longer welcome to work as marriage commissioners if they refuse to also marry same sex couples. Two more commissioners have refused to quit and are taking this to the Human Rights Commission to defend their freedoms and their rights from being imposed upon by the state.

They were sent a letter on September 16, 2004, telling them to either perform same sex marriages or to turn in their licences. One marriage commissioner, Kevin Kisilowsky, a constituent of mine, was granted a licence by the Province of Manitoba to be a marriage commissioner. His entire purpose in seeking to be licensed was to continue his outreach ministries to perform religious marriages outside of mainstream religious institutions.

Kevin is part of a biker and youth outreach ministry that is not specifically affiliated with any single denomination. The people he attempts to reach include gang youth, street people, prison inmates and outlaw motorcycle gangs.

From Kevin's religious perspective and by his own conscience and lack of ordained qualifications, he stated clearly during his application that he could not and would not marry non-Christians or other groups that he is not qualified to minister to if they are of a different faith.

Kevin made it clear that he only wanted to perform Christian marriages when he applied to be a marriage commissioner. He was encouraged to continue with the application, being told that he would be placed on a private list rather than the general list of marriage commissioners. Manitoba clearly accepted the fact that he would not have to serve all of the public to be a marriage commissioner. A person could, as Kevin did, perform marriages as part of an outreach to those not belonging to an organized church.

In Bill C-38 only clergy from religious institutions are recognized as needing religious freedom protection. People, such as Kevin, are completely left out of this bill's protection of religious freedoms.

• (1625)

Licensing Kevin to perform traditional marriages does nothing to prevent the province from hiring other marriage commissioners who could perform equal same sex civil unions for those who want them. It also does not stop religious institutions from choosing to recognize same sex unions within their own churches.

Marriage commissioners in the past could always choose who they want to marry and could refuse to perform a service. However, now, if they refuse to perform a same sex service, they will have their licences revoked. This is not tolerance and it does not in any way respect different and divergent views in our society or respect individual freedoms of religion or conscience guaranteed under our charter.

The firing of these marriage commissioners is the unnecessary and completely avoidable result of the government's failure to defend the freedom of conscience and freedom of religion guaranteed to all citizens of Canada under the charter.

There is a clear solution that would guarantee all individuals freedom of conscience and freedom of religion. The solution is for the government to continue to allow these individuals to have government licences to perform marriages that do not violate their conscience or religious faith. At the same time, the government can license more of those who are willing to perform same sex civil unions. This would be the tolerant approach.

The government has taken a very narrow view of the freedoms of conscience and religion and is allowing individual freedoms to be trampled upon, just as these marriage commissioners have had their charter protected freedoms trampled upon by the state since Manitoba began sanctioning same sex marriage. It is clear that this government has no intention of defending the freedoms of religion or conscience or it would be defending them right now in Manitoba.

This is also a debate on whether the bill closes the doors on our Constitution rather than opening them to minorities who hold both diverse and traditional values. The debate should carefully analyze whether we want a nation and a Constitution that allows us to accommodate minorities within a multi-cultural society or do we want a purely secular society that insists that all groups fall in line

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and agree with the government of the day without individual freedom of conscience and freedom of religion.

What we are seeing in the legislation is the abandonment of one group of minorities supporting traditional values and traditional marriage to embrace another minority that justly seeks greater equality and fairer treatment. There is no doubt that both sides have a right to seek recognition from government and have their freedoms protected. However, it is not necessary to sacrifice the values instituted in law for traditional couples while expanding legal benefits for others.

People of faith long ago allowed their institution of marriage to be recognized in law for the economic protection of families, spouses and children upon death and divorce, but these religious institutions never relinquished the fact that marriage was their institution and not that of the state.

Marriage as an institution has historic value, just like the Parliament buildings in which we sit. We would not tear down these buildings to make way for a bigger house when more room was needed. We would simply add another fine building to this great collection. What we have today is many private churches interested in protecting their domain and authority over marriage from any further infringement by the state.

Going back to King Henry VIII, the separation of church and state has always been about keeping the state out of the church and infringing on religious beliefs. I am afraid the state has now crossed that line.

Most people are reasonable and recognize that the state may choose to introduce its own institution allowing civil unions that would give same sex couples equal benefits to those of traditional marriages.

A clear majority of Canadians support what our leader has proposed as a simple, possible compromise that Canada should implement to satisfy both sides of the debate.

The compromise is simple. We continue to recognize the traditional definition of marriage while introducing a legal same sex civil union for all others, a union with equal benefits to those that were historically granted by the state only to couples that embraced the traditional definition of marriage. Such a compromise would help avoid the kind of intolerance of religious minorities we have seen in Manitoba with marriage commissioners being denied the right to continue their outreach ministries and forced to stop performing marriages.

This is a clear violation of freedom of conscience and freedom of religion caused by the government's lack of leadership and attempt to sidestep the tough decisions of governing through deference to the Supreme Court, hoping that the Supreme Court would make the decision for it.

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•(1630)

As we have seen, the Supreme Court refused to rule on this issue without first hearing the will of the people, the will of Parliament. It is our job and not the Supreme Court's to decide this issue. That is why the court has declined to answer whether the traditional definition of marriage is constitutional.

The government should further reconsider the present proposed legislation and how it is not only insensitive to religious minorities and individual freedoms but also its potential to hamstring our nation's ability to respond to the needs of a diverse multicultural society.

I encourage all members of Parliament to support the amendment proposed by the leader of the official opposition.

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Durham, Broadcasting Industry; the hon. member for South Surrey—White Rock—Cloverdale, Citizenship and Immigration; the hon. member for Charleswood—St. James—Assiniboia, Human Resources and Skills Development.

•(1635)

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, first, I will be opposing Bill C-38, an act respecting the legal capacity for marriage which was tabled by the Minister of Justice on February 1. However, I have appreciated hearing from and truly respect the opinions of all those who have contacted me over the past year.

This has been an incredibly difficult issue for all parliamentarians. We believe in the principle that the protection of the rights of individuals is in the higher public interest and it is central to our desire for an inclusive civil society. Throughout my many years in public life and in my private life I have applied this principle in decisions affecting both the public good and balancing the needs of individuals and minorities with the collective needs of society as a whole.

That link between individual rights and those of minorities is an exceptional difference in the Canadian democratic tradition, and this aspect is given further expression through the Canadian Charter of Rights and Freedoms. In addition, successive generations of Canadians who seek a society that embraces them and cherishes their customs and culture continue to nurture this principle and the result has been a spectacular Canadian mosaic.

Many then have found it surprising that it is these same people, Canadians who are liberal in nature, who now look for support from their government to reaffirm their values with respect to the definition of marriage. It is not surprising to me, for it is these very same people, many of whom are my constituents, who value the traditional definition of marriage as being consistent with beliefs that spring from the world's major religions.

The good news is, at the same time, most of those same people continue to believe, as I am sure we and most members of the House

believe, that a tolerant civil society requires that lifestyle choices such as same sex unions should have legal entitlements consistent with precedents established in courts of common law.

It cannot be overstated that the Canadian experience of respect for individuals and minorities has been made possible because the majority of Canadians throughout our history have given their consent and support. In fact, the charter itself would not have been possible without the consent of the Canadian people through our parliamentary process.

Many Canadians are now telling their member of Parliament that they would prefer a resolution that would respect the traditional definition of marriage while at the same time protect the civil rights of those engaged in same sex unions.

In this high stakes issue I do not believe we have tried hard enough to balance the protection of individuals and minorities while at the same time respecting the values of a large majority of Canadians. If indeed our Constitution is as the court has stated, a living tree, then it must be considered that this tree is rooted in fundamental and historic values, one being the traditional definition of marriage as the basis for family life.

Critical decisions must be made on the basis that a cohesive society can only be maintained when the rights of the majority are at the very least given fair consideration when the government intends to change these fundamental and historic values.

It is my position that the government's legislation is incompatible with the sensibilities of the majority of Canadians in terms of both process and substance and that the bill presented by the government should not be supported.

•(1640)

My fear, as others have said, is that should the bill pass in its present form in the face of reasonable, continuing opposition from across the country, Canadians will emerge as just a little less tolerant and a little more cynical at a time in the history of both our country and our global community when we should be going in exactly the opposite direction.

This forced march toward altering values against the will of the majority is a slippery slope. It will undermine our image and our vision, both at home and abroad, that in such matters Canadians have always been able to achieve a consensus based on the reasonable middle way.

Up to this time, the legitimacy of same sex marriages has been decided on the basis of court rulings. I truly believe that matters of values, such as changing the traditional definition of marriage, are more appropriately the domain of the people. It appears, however, that it will be Parliament through its MPs, who will exercise their delegated responsibility, to grant the consent of the people for changing the traditional definition of marriage.

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It is clear to me, and I believe to most Canadians, that we in the House have allowed the issue to pass the point of no return by leaving it to the courts to decide this issue for all of us because of parliamentary obfuscation. I truly regret that it is necessary to characterize the issue as an end run around legitimate and democratic consultation, but that is exactly what many Canadians believe has happened.

A fundamental and widely shared value such as the traditional definition of marriage should not be changed in the manner in which it has been presented to Canadians. As a result, after careful consideration, I will use my voice and vote to reflect what I believe to be the value of the majority of residents in York South—Weston.

Additionally, let me state that this also represents my own view that the protection of the traditional definition of marriage should not be incompatible with the protection of individuals who wish to enter into a civil union relationship.

To conclude, this issue is of such profound importance that those issues raised by all sides deserve, and indeed demand, further exploration. For this reason alone, defeat of this bill would signal to Canadians that for this issue the search for common middle ground is worth trying for.

Justice not only can be done with respect to protecting both minorities and the traditional definition of marriage, but if we are to maintain a continuing tolerant and civil society, justice must be seen to have been done.

Mr. Randy White (Abbotsford, CPC): Mr. Speaker, I suppose it is a pleasure to speak to Bill C-38. I am very disappointed that we are in the House of Commons deliberating this issue. I have been here since 1993, speaking about many issues in the House of Commons, and I thought I had seen all of the issues we were going to deal with, yet here we have facing us one with very serious consequences.

In the official opposition I am responsible for looking at the issue of illegal drugs in this country. People ask me why we are not dealing with that issue as it is such a cancerous problem in our society and why we in the House of Commons are talking day in and day out about same sex marriage.

I wonder what kinds of answers can be given to people who walk into my office with their children who are addicted to crack cocaine and other drugs. Really, it saddens me. In addition to that, a subcommittee of the justice committee is looking at the idea of legalizing prostitution.

I wonder why all of these values issues are even here. If anything, as I prepare to leave the House of Commons in my last term, I truly wish the government could in its own way respect Canadians for what they are and not for what the government wants them to be. I think that is one of the biggest problems with governments. They tend to think that Canadians will do and be whatever governments want. In this case it is not so.

My dear Aunt Frances from Lakeside, Nova Scotia, who is watching this with bated breath, is trying to understand why we in the House of Commons are changing something that has been near and dear to her heart for 80-some years. I think a lot of people are thinking about that.

Same sex issues have been around for 20 years and have been rife with judicial, political and legislative activity. Discrimination based on sexual orientation is prohibited in all Canadian jurisdictions. Section 15(1) of the Charter of Rights and Freedoms states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

A lot of people have said that we should not get into the rights discussion. For many people it is not just about rights; there are other issues facing them in this issue.

Opponents of same sex marriage say same sex marriage undermines the traditional family and family values. They say there are unique benefits that monogamous heterosexual marriage provides to the husband and wife, their children and society as a whole. They say society benefits when its communities are characterized by strong, stable, monogamous heterosexual marriages. They say the current concept of marriage has been a right to those who practise that institution and that changing the definition is a removal of their right.

Let me quote some average, ordinary Canadians who have written to me about this issue. Gary Wiens of Didsbury, Alberta, says this:

It bothers me how the word intolerant has been thrown around in the controversy over same sex marriage. Any thinking person would realize that as soon as a party uses the word they themselves become intolerant. They have imposed their own arbitrary standard on another. As long as standards are arbitrary, the product of our own reason and bias, both parties are doomed to be intolerant of each other.

That is good advice from Alberta.

In another letter, Alice Mcgladdery, of Abbotsford, British Columbia, in my riding, asks all politicians to consider her point of view. Alice says this:

● (1645)

Marriage between one man and one woman is a natural institution as it predates all recorded, formally structured, social, legal, political and religious systems. In so far as it is a social institution, marriage is concerned with the common good, not individual rights. The State must strengthen and protect marriage between a man and a woman because it assures the survival of society by creating the next generation.

Alice also says that she asks:

—the Government of Canada to implement legislation that will recognize, protect and reaffirm the definition of marriage as a voluntary union of one man and one woman to the exclusion of all others.

She also asks:

—that should the Government of Canada want to address the concerns of other adult interdependent relationships, it do so in a way that respects human dignity but does not redefine and thus void the vital, irreplaceable, natural and social institution of marriage.

Those are reasonable, good, well thought out words from just an average person in this country.

These kinds of words go right across the country. Some are from John and Nancy Church of Woodstock, Ontario. When I read these words, I thought about how long I have been married as well and just exactly what John and Nancy are going through while we in this House deliberate these things. They said:

Having been married to each other for almost 39 years we are alarmed that the marriage bond that we have enjoyed could be depreciated by the legislation that has been introduced into something that will become increasingly meaningless.

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I have heard that time and time again in so many words from people across this country who are wondering just what the heck politicians are doing in the House of Commons. They are average Canadians who hope politicians will get control of the agenda of the judiciary, Canadians who hope politicians will preserve their way of life, Canadians who believe the people they send to Ottawa will stand up for what they believe in and leave partisan politics aside.

I must say this about partisan politics. I just cannot believe that we in this country would send people to the House of Commons, deliberate such an important issue and then have some parties turn around and say, "While we are deliberating it, while we are debating these things, we are going to tell the following people how to vote". Is it any wonder that people are saying there should be a referendum on such an issue? Is it any wonder that people say they send their representatives to Ottawa to do what they think is right for their community, but they go to Ottawa and say that regardless of whether that is right or not, they have been told to vote a certain way?

How could we possibly let people in Canada down by taking that position? That is not democratic in any way, shape or form. It is a problem.

For my part, I have always been and will continue to be a family man who strongly supports the traditional definition of marriage, that being "the voluntary union of one man and one woman to the exclusion of all others", and I am darn proud to say that, darn proud. To this end, I dedicate this speech to Marty, my wife of 34 years, and to the people of my community, who expect me to support them and stand up for what they believe in as well.

I want to reaffirm a statement I made earlier. Why is it that in this country year in and year out the government and politicians cannot respect us for what we are today? Why do they want to make us into something else? What is the propensity behind this? What is the motivation to change people who do not want to be changed into something else?

Recently I did a press release called, "Pssst...don't tell the Liberals". I was referring to several changes again coming from Holland. It seems like we fall into a mess in this country when Holland makes a change over there because somewhere in the bureaucracy of Canada they want to move us into this.

This is Canada. We are unique. Our citizens are unique. Our Parliament is unique. Our definition of marriage is unique to us in Canada as well as virtually every other country in the world. I say do not change it.

● (1650)

Mr. John Maloney (Welland, Lib.): Mr. Speaker, I rise today to speak to Bill C-38, the civil marriage act. For many in the House, including me, the decision we must make on this legislation is one of the most difficult that we have been called upon to make as members of Parliament, namely, to support or oppose same sex marriage.

As we are all aware, on December 9, 2004 the Supreme Court of Canada ruled that the federal Parliament has exclusive jurisdiction to decide who has the right to get married in our country, while making an appropriate qualification that religious groups or clergy are not obliged to perform same sex unions against their beliefs, a very key exception.

The court's advice will assist parliamentarians in their deliberations; however, most important, it does not undermine the democratic role of Parliament. Parliamentarians in the House of Commons will make the final decision on the issue of extending civil marriage to same sex couples. Whether one is for or against same sex marriage, the decision will be made in a democratic way through full and transparent public deliberations followed by a free vote.

Over the past decade there have been several federal legislative changes to ensure legal rights on the basis of sexual orientation. These were emotionally charged debates as well. I supported every one of those initiatives and voted in favour of the legislation which enacted them.

In 1996 Bill C-41 amended Criminal Code sentencing provisions, setting out an aggravating sentencing factor for crimes motivated by bias, prejudice or hate based on listed personal characteristics, including sexual orientation. That is section 718.2 of the Criminal Code. Parliament also enacted the act to amend the Canadian Human Rights Act, which added "sexual orientation" to the CHRA's prohibited grounds of discrimination.

In 1999 Parliament adopted the first federal legislation to provide explicitly for same sex benefits. The Public Sector Pension Investment Board Act replaced opposite sex surviving spouse entitlement to benefits with gender neutral survivor entitlement in the major public service pension statutes. A survivor is one who establishes that he or she was cohabiting in a relationship of a conjugal nature with the contributor for at least a year preceding the latter's death.

In 2000 the Modernization of Benefits and Obligations Act was adopted. It amended 68 federal statutes to effect their equal application to unmarried heterosexual and same sex couples. The legislation adds the gender neutral designations "common law partner" and/or "survivor" to those statutes and restricts the term "spouse" to married couples. It is interesting to note however that the government added an interpretive amendment stating:

For greater certainty, the amendments made by this Act do not affect the meaning of the word "marriage", that is, the lawful union of one man and one woman to the exclusion of all others.

In 2002 immigration and refugee protection regulations under the 2001 Immigration and Refugee Protection Act authorized family class sponsorship for same sex couples under two new eligible gender neutral categories: a common law partner of a sponsor must fulfill a cohabitation requirement, while a sponsor's conjugal partner need not. In each case, the couple's conjugal relationship must be of at least one year's duration.

Since 1993 the government and I as a member in the House have taken very seriously the responsibility of protecting the rights of all our residents.

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Canadians will not tolerate harassment of homosexuals or discrimination against same sex couples. At the same time many Canadians have difficulty, in good conscience, of accepting same sex marriage. Some have suggested the sanctioning of same sex civil unions, registered domestic partnerships or life partnerships which are equivalent to common law unions between heterosexual couples. I agree with this approach. Critics feel it falls short of true equity. By working with the provinces I do not believe it is necessary to change the definition of marriage in order to accommodate equality issues around same sex partners.

The common law definition of marriage was until recently undisputed as the union of two persons of the opposite sex, the union of one man and one woman to the exclusion of all others. Indeed this very House considered and supported a motion on June 8, 1999 which stated:

That, in the opinion of the House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps to preserve this definition of marriage in Canada.

That motion passed 216 to 55. I supported it then and I support that position today.

Indeed, over the years our courts have supported this position, as was confirmed when former Supreme Court Justice LaForest speaking for the majority in the Egan case stated:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

• (1655)

It is interesting to note that this pronouncement of the Supreme Court was made in 1991, 10 years after the Charter of Rights and Freedoms.

Some of us have advocated a compromise position that would draw together those on the one side who assert that any restriction on same sex marriage is discriminatory and a violation of human rights with those on the other side who assert that any recognition of homosexual relationships is intolerable. I firmly believe that most Canadians are most comfortable with a middle position recognizing the traditional and distinct definition of marriage as the union of one man and one woman, while recognizing that same sex couples should be entitled to all the rights, privileges and responsibilities of marriage, but that it should not be called marriage.

Opponents to this compromise position claim that anything less than full equality would continue a systemic discrimination of the homosexual community. I recall very clearly receiving this admonition from one of my constituents in the Township of Wainfleet. The thought of such an unintended consequence lingers in my mind and contributes to the difficulty of my decision.

I also recall a presentation on same sex marriages to the justice committee in rural New Brunswick when a United Church minister made an effective intervention in support of gay marriage with his desire to some day perform a marriage for his gay son and his partner. This presentation was in stark contrast to many other

interventions from religious groups and made it abundantly clear that even the religious community is divided on this issue.

Most members in the House have received literally thousands of interventions on this issue, including conversations, telephone calls, e-mails and letters. I have been approached by constituents in coffee shops and churches, in the street and in stadiums, at community dinners and in restaurants. Many people who would ordinarily not come forward in these public areas have not hesitated to give me their views.

A tabulation of the positions of my constituents in Welland riding who have contacted me on this issue oppose this legislation as proposed on a 10:1 ratio. When asked their opinion on the middle ground, most would agree with it.

The stark reality of the same sex marriage debate is that today seven provinces and one territory have recognized the lawful union of two people of the same sex. It is already the law of those jurisdictions. For all intents and purposes the definition of marriage has been changed. This legislation will give it national application.

The real debate now must centre on whether the federal government should invoke the notwithstanding clause. My position is yes.

The courts see the issue as a rights issue, a charter issue, that it is the right of gay persons to be married. I see it as a social policy issue. My opposition centres around one word, marriage, when applied to gay unions.

I would like to acknowledge and thank the many constituents who have contacted me on both sides of this issue. They have contributed to the consideration and debate. Some do not appreciate the position I have taken but we have agreed to differ with mutual respect. That is the Canadian way.

However, if this legislation is to pass, there must be a healing period for Canadians to adjust to a new reality of civil marriage. The government's legislation affirms the charter guarantee of religious freedom, that religious officials are free to perform or not to perform marriage ceremonies in accordance with the beliefs of their faith. The response to the reference by the Supreme Court of Canada has made it patently clear that section 2(a) of the charter is broad enough to protect religious officials from being compelled by the state to perform civil or religious same sex marriages that are contrary to their religious beliefs.

As a consequence and in the words of the Prime Minister, "no church, no synagogue, no mosque, no temple, in no religious house will those who disagree with same sex unions be compelled to perform them".

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I have heard people express concerns that religious freedoms may be eroded even with assurances to the contrary. However, I want to point out that religious protections already in some cases take priority over other charter rights. The Catholic Church continues to refuse the ordination of women in a post-charter world. Many churches already refuse to marry people, particularly those who are divorced. I have yet to hear of any charter challenges on any of the foregoing. The assurances of religious views by the Supreme Court are very sound.

Many Canadians are struggling with this complex and difficult issue as I did. We are talking about changing one of the central and longstanding institutions of society. It is something that will bring out strong feelings on all sides. Notwithstanding, Canadians are tolerant and will respect a balanced and reasoned debate and further, when the decision is finally made will respect that decision. I appreciate the points of those who do not agree with me and hope that they can respect mine.

• (1700)

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, this issue has moved Canadians to action and to become involved, reinvigorated as active members of the Canadian democratic process. I have had interventions from several thousand of my constituents, more so than on any other piece of legislation, even Bill C-68, and we know how controversial that has been and how many people have come to the fore on that. Several thousand of my constituents have told me that they are also against the purpose of this bill. They also wonder why we should be occupied by this matter rather than the more pressing issues that affect millions rather than a few hundred Canadians.

It reflects the nature of our modern age, perhaps even the corruption of our legal system, that a very vocal minority can put their issue on a national platform even when the vast majority of Canadians have better things to do. And they still claim they have no voice.

I know the Prime Minister will feign outrage at this, but we are pretty tired of his phony moral stances over here. It has taken him only a few years to run completely from poll to poll, from one side of an issue to the other. He has now exhausted every position he can hold on every issue. He has nowhere left to run.

Speakers on all sides of the House have articulated the background to the introduction of Bill C-38, but not everyone has been playing with a full deck of facts. The former justice minister said in the House that the traditional definition of marriage was safe and secure and that the Liberals had no intention of changing anything. Not that long ago, like every Liberal promise, those words disappeared after the election.

Despite voting to take every action necessary to protect our foundational institution, those same Liberals stood by while junior court after junior court defied the Supreme Court and Parliament and thousands of years of history to claim they have discovered words in the Charter of Rights and Freedoms that are not actually there at all.

The Prime Minister claims to hold the charter sacred while he lets judicial activists distort this document into radical new shapes. He says nothing while judges claim they find words where none exist. This is not progressive. This is radical and there is always a danger

to the overall common good when a few radicals hijack a national document and use it to push their own agenda.

A few of my colleagues in the House circulated a letter in which they claimed no one was behind the push for same sex marriage. It just sort of sprang up from the ground. We are not sure how it came about. The radicals we are concerned with are a group that wants to overthrow the institution of marriage because it does not conform to their social view. But they are not the only radicals at work. Greater conflicts are coming. When a democratic government participates in the breakdown of its own foundations, it cannot know where that process will end and neither can the radicals who are pursuing this narrow agenda.

The Prime Minister said that this bill is about minority rights. He is wrong. The Supreme Court has said that he has a choice to legislate on marriage because the definition is up to Parliament. It did not say he had the right to establish or create a right for marriage. No one has a right to get married. When we believe we have found a mate that we want to spend the rest of our lives with, there are a number of options. Some will shack up, as the saying goes, and not care about government or parental approval. Some will seek government approval after a time and get benefits and pension rights. That option is open to everyone now.

Some will enter into what they hope is a lifetime commitment. They will look at the list of prohibitions contained in the marriage act and finding they qualify, will get a licence and undergo a solemnization ceremony at city hall or in a church. They will promise to stay together for life and raise their children in a loving household. Not everybody makes it through their whole lifetime, but no one regards divorced individuals as second class citizens which is one of the spurious complaints of these radicals.

If I had a right to be married, I could ignore the rules set out in the marriage act, ignore any rules of solemnization in my province and certainly reject any fees they try to charge me for that process. If I had a right to get married, I would tell the clerk that I am not paying for the licence because it is my right. What about divorce? My wife can never divorce me because that would contravene my right to be married. That is how spurious this is.

Many people are miserable after divorce and it is not because they lose half their income. If the government shared the court's preoccupation with people's feelings and dignity and actually believed it was guaranteeing rights, surely it would bring in legislation to force people to stay together, or maybe provide a spouse to anyone who still wanted to exercise his or her right to be married. It is a lot of nonsense of course.

Society, not courts or governments, created the institution of marriage to provide security to men and women in a relationship they could both understand and count on and to create a unit that nurtures and protects vulnerable children as they grow and learn about their heritage. We know this breaks down often in our society and it is tragic when it does, but people do cope. Children can be and are raised in a variety of environments and turn out well. We are not talking about what everyone must do, but about what society has come to understand as to what is best for the most people most of the time.

• (1705)

The radicals would have us believe that because the guidelines do not include every possibility, they are flawed and must be rewritten. They have obviously convinced the Liberal cabinet, apparently, in the last few months that by rewriting the rules of society, all will be happy and we will not have to rewrite any more.

It is ironic that the Prime Minister now wants to paint himself as the great defender of minorities. We know the gun registry is an onerous document that targets a law abiding minority in this country. We know that Bill C-68, as written, tramples on at least a dozen rights from the Constitution and, as it is clumsily applied, violates a dozen or so more. So far, no Prime Minister has stood up for this minority.

We have had language laws imposed in this country that the United Nations has recognized as illegitimate, but not one Prime Minister has seen fit to help minorities where votes are at stake. So much for fundamental rights.

Our primary food producers are abused by trade disputes, hammered by unreasonable restrictions and taxed off their land. Their crops are seized and sold, and they get nickels back while somebody else makes millions.

There is the ongoing case of single income families that the Supreme Court admitted are discriminated against, but apparently they do not have much of a lobby over there. There is not a single Liberal standing up for their rights.

The whole process is pretty selective and clearly more about what is fashionable than what is right. The methods used by selfish radicals and their Liberal allies to manipulate discussion are reprehensible. Just because we say it is about minority rights does not make it so, especially when the rhetoric can never match these actions.

The Liberals claim to stand for a repressed minority, but this minority, which is really a small part of a minority, seems to have access to government and courts that most Canadians cannot even dream of. I have heard some Canadians say that we should just throw in the towel and give in whenever someone makes enough noise. Often they reflect a level of frustration about the lack of control they feel in the political process. Sometimes they are apathetic and do not realize that what is at stake is more than marriage and more than the demands of one politicized section of one minority.

To give up would be a mistake for two reasons. What the Liberals are pushing here is illegitimate and giving in will only make things worse, paving the way for more demands for so-called rights. They are prepared to let a few activist judges not interpret the Constitution

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but to continuously remake it without any input from the people who have to live with those consequences.

Canadians who let the government get away with that are guilty of putting their future into the hands of a smaller and smaller group of radicals whose demands we cannot imagine at this time.

What about marriage itself? Some people say, since they will still be married afterwards, what is the big deal? The same sort of dismissal greeted the change in divorce laws, and probably the insanity and lack of debate that passed for abortion laws in this country. The fact is, when a group manages to alter an institution that affects all of society, then many other changes creep in, whether we object to later consequences or not.

We are not talking about changing marriage here. We are talking about changing society. Professor Thomas Sowell points out that marriage is not an institution that grants rights. On the contrary, it imposes responsibilities. He writes:

Marriage laws have evolved through centuries of experience with couples of opposite sexes—and the children that result from such unions. Society asserts its stake in the decisions made by restricting the couples' options.

Society does not tell individuals what to do; it only provides a framework to carry on that society for posterity. It is ironic that the radicals would invite the government into their bedrooms to take away their rights under the guise of claiming new rights for themselves.

Journalist John McKellar, who founded HOPE, Homosexuals Opposed to Pride Extremism, reports that the January 2001 same sex wedding in Toronto was an embarrassment for most gay communities, not a triumph. He said, "Better to stay at home and clean out the fridge when your public image is so embarrassingly represented with such maudlin specimens of martyrdom".

What Mr. McKellar objects to and what every thinking Canadian should object to is the Liberal's knee-jerk reaction to every claim of discrimination and hurt feelings. He also said, "This is no time for the modern, feel good, pop culture mentality that stands behind C-38".

He counts himself among the happy, successful and independent gays and lesbians who do not wake up every day finding hate, bigotry and discrimination under the bed, and go running to the courts, governments and human rights commissions for a lifetime of therapeutic preferences.

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McKellar is describing the heart of what is so objectionable about Bill C-38 and, of course, last year's Bill C-250, for that matter. There is a disturbing trend today to bend the purposes of society and democracy to the will of the few with the hope of making one group feel good about itself. In the meantime, everyone else's right to free speech and opinion, everyone else's right to a dependable social order, and everyone else's right to enjoyment of property is trampled in the misguided rush to satisfy the perceived feelings of a minority of a minority.

In closing, I have always personally supported the traditional definition of marriage. I will continue to support and fight for the rights and freedoms of all Canadians to order their lives as they see fit, and I unequivocally reject the false assertions in Bill C-38.

• (1710)

Mr. Navdeep Bains (Mississauga—Brampton South, Lib.): Madam Speaker, I rise today to take part in the historic debate on Bill C-38, an issue that, to a certain degree, has polarized our nation.

Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, has evoked many emotions. I understand the sensitivity and complexity of the issue. Therefore, I will base my position in such a fashion that it will be respectful to all the parties involved.

However, let me be crystal clear that I support Bill C-38 based on the premise that it is a charter issue; an issue that protects freedom of religion and also extends civil liberties under the equality provision of the charter.

Let me begin by addressing the role of religion in this debate. We live in a secular society where the state and religious institutions are separated. What makes Canada unique and the envy of the world is that we recognize the importance and the significance of religion that is reflected in our charter and is codified in section 2(a). The Supreme Court has declared unanimously:

The guarantee of religious freedom in section 2(a) of the Charter is broad enough to protect religious officials from being compelled by the state to perform civil or religious same sex marriages that are contrary to their religious beliefs.

I want to take this opportunity to talk about my personal experiences with religion, specifically the Sikh faith.

As a proud Canadian born in Toronto and raised in Mississauga—Brampton South, I grew up in an environment where I never fit the status quo. At a young age I decided to keep my hair and recall the moral support provided by my school teachers. I remember playing soccer and feeling mortified because I was the only one with a turban. I thought my turban was going to fall off when I headed the soccer ball, but the coach always went out of her way to make me feel part of the team.

I remember the first time I wore my dastar, also known as the turban, to high school and recall the compliments I received from my classmates. I also remember taking amrit in university, and being praised by my professors and the student body for making an outward commitment to practise my faith.

I share these experiences because it tells a story of a Canadian growing up in Canada during a time period when the charter was part of the Constitution. It is this charter that enabled me and so many others to follow our faith, and form an identity that today I can

say with a great deal of pride is a strong part of the Canadian mosaic and fabric.

One would ask what the charter has to do with me practising my faith. Let me share one small example. I remember I was in high school and Mr. Dhillon was going through much undue hardship for wearing a turban and wanting to join the RCMP. I recall that Sikhs at that time came together and looked to the charter to protect their identity and, may I add, an identity that did not conform to traditional norms.

I also recall when the courts decided that Mr. Dhillon was allowed to wear his turban as an RCMP officer. At that moment, I was not only proud to be a Sikh but I was proud to be a Canadian, and live in a country where I was treated as an equal member of society, knowing full well that if my beliefs were ever challenged, I would have the charter to protect my rights.

Therefore, based on my experiences and historical decisions by the courts, I have full faith that the charter has demonstrated time and time again the importance of protecting religious freedoms.

The second component of the bill examines the enforcement of subsection 15(1), which indicates that everyone is equal before the law. The issue of equality under the law in Canada has been a constant struggle ever since Confederation. There are many examples of individuals and minority groups that have been regarded as citizens not fully worthy of equality under the law.

For example, women's groups had to fight relentlessly for the right to vote ever since they were excluded from voting at the time of Confederation. The first province to allow women to vote was Manitoba in 1916. It took two more years before women had the same right as men to vote in a federal election. Just imagine a society where women were not viewed as equal under the law. I cannot.

• (1715)

Aboriginal people were also excluded from the right to vote without condition until 1960. Technically they had the right to vote but only if they gave up their treaty rights and Indian status through a process that was defined as the Indian Act.

Today some have suggested the government extend gay and lesbian rights to civil unions. This would give some same sex couples many of the rights of a wedded couple, but their relationships would not legally be considered marriage. In other words, they would be equal but not as equal as the rest of us Canadians.

The courts have clearly and consistently ruled that this option would offend the equality provisions of the charter. For instance, the British Columbia Court of Appeal stated:

Marriage is the only road to true equality for same sex couples. Any other form of recognition of same sex relationships fall short of true equality.

We have three options here today: we could conduct a national referendum, we could use the notwithstanding clause, or we can uphold the Charter of Rights and Freedoms. The Liberal Party, including myself, has been clear that we will not let the majority decide the right of minorities. We will not take away their rights, but we will extend civil liberties.

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The issue today is not of civil marriage. The debate here today is not whether to change the definition of marriage. It is being changed in seven provinces and one territory. The issue is something much greater than that, the charter. I am a byproduct of the charter and live in a country where everyone is treated the same and where individual freedom is the cornerstone of our society.

I am reminded of a former Prime Minister who stated:

The Liberal philosophy places a highest value on the freedom of the individual, and the first consequence of freedom is change. A Liberal can seldom be part of the status quo.

It was the Right Hon. Pierre Elliott Trudeau who made this statement over 30 years ago. I understand today, in the 21st century, we are confronted with a major consequence of freedom, change. As the former Prime Minister indicated, a Liberal can seldom be part of the status quo. Therefore, I stand here today to fight for freedom and respect change.

In closing, based on the fact that the issue today is to defend the charter, make no mistake about it. I will do everything in my capacity as an elected official to uphold the principles and the values laid out in the Charter of Rights and Freedoms.

• (1720)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, as the member of Parliament for Kildonan—St. Paul I will be voting against the Liberal Bill C-38.

The bill was introduced by the Liberal government for the sole purpose of redefining marriage. My constituents in Kildonan—St. Paul have told me, by way of over 14,000 faxes, e-mails and feedback sheets I sent out, that the definition of marriage should remain between a man and a woman, excluding all others. These responses have come from people from all walks of life, all religions and all cultures.

Out of all these factions there have been only 20 constituents who differed in that opinion in this matter. Never in the history of Kildonan—St. Paul have the people responded so clearly, so vigorously and in such a concerned way.

As their elected representative, I have heard their concerns and I stand in the House of Commons today to voice my concerns on their behalf. I ask the government, why, after defending the definition of marriage just a few short months ago, did it flip-flop and bring forth a bill that the majority of Canadians did not want? Why did the Prime Minister refuse to hold a referendum on the issue? Why did he refuse to go to the Canadian public and hear their concerns?

In 1999 the Prime Minister promised to use all necessary means to defend the traditional definition of marriage. That was only five years ago. The Prime Minister is in his latter sixties. He has believed in this concept for approximately seven decades. This is a curious time in life for anyone to change his or her mind on such a critical social issue as redefining the definition of marriage. What is the motivation for this? I believe Canadians need an answer to the question.

The Liberal government was elected because the Canadian public remembered what the Prime Minister said in 1999. They believed him. At the same time the current Deputy Prime Minister also stated that the government had no intention of changing the definition of

marriage or of legislating same sex marriages. How can the Canadian public trust the government?

Before the last election there was not a word of this to the public. Clearly the government was elected under false pretences. Again, I ask the question, what the government's motive is for this? Why is it being pushed through without going to the Canadian public first? Does it take the public eye away from the sponsorship scandal and the Gomery commission? I would say, indeed it does.

A well known political trick is to bring forth legislation that diverts the public's eyes from the ongoing daily stories coming from any other controversial issue about which the government is not keen on having the public hear. It is a diversion tactic with a far-reaching impact on the Canadian public. The findings from these hearings have been virtually pushed back in the public media and Bill C-38 has taken over the story of the day. The government has succeeded in what it is trying to do. It is a shame because the ongoing sponsorship scandal has proven to be even worse than we first thought. The story will come out.

Canadians are beginning to see that there is a difference between the current Liberal government and its opposition, the Conservative Party of Canada. The Conservative Party of Canada believes in a democratic society and the right of every individual to have choices. The Conservative Party believes that each individual has the right to choose what lifestyle that individual wants with all the equivalent rights and benefits that go along with it. The Conservative Party of Canada believes each individual has the right to choose a religion or not choose a religion. The Conservative Party of Canada believes each individual has the right to freedom of speech and respects the rights of all people.

The leader of the Conservative Party of Canada has taken a responsible, compromise position which is in accord with the views of the vast majority of Canadians. The option to retain the traditional definition of marriage along with the legal recognition of same sex partnerships with equivalent rights and benefits represents the middle ground position that allows for democracy to grow and flourish in our great nation. This issue is an important matter of social society on which Parliament should have the final say because parliamentarians are mandated to reflect the wishes of their constituents.

Since the changing of the definition of marriage is a matter of personal conscience, all Conservative Party members will have a free vote on this question. The courts have never ruled on legislation of the type we propose, which would ensure equal rights and privileges for same sex partners while affording the traditional definition of marriage. This is not only a moderate position, but a reflection of the democratic society Canadians have enjoyed over the decades. It is a moderate position, one that is supported by citizens across our nation.

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● (1725)

There is nothing moderate or reasoned or democratic about the Liberal position. The definition of marriage is a question of social policy as opposed to a rights issue and, as such, is a matter for Parliament to decide. We do not believe that supporting the traditional definition of marriage is an infringement on anyone's rights. If we legislate the traditional definition of marriage along with equal rights and benefits for same sex partnerships it is a reasonable compromise. The Prime Minister does not get to decide if same sex marriage is a fundamental right. The Canadian people decide.

The Supreme Court has refused to answer whether the definition of marriage is constitutional. In doing so, the court has decided that this is a matter for Parliament, which represents the Canadian people, to decide.

No wonder the current Prime Minister is confused. He has so many irons in the fire and so many fires to put out that he neglects the issues of health care, crime and taxation and seems to be driven to distraction. Clearly his need to travel the world and seek out photo ops has garnered him the opportunity not to face questions in question period.

In past Canadian history the law usually reflected the social consensus within our society. Since the last election, the agenda has changed. The law is being used now as an instrument for social engineering by the Liberal government. The government has presented a bill that has no protections for religious freedoms in relation to income tax and charitable status, even though the Prime Minister has promised to protect religious freedom.

The Prime Minister is using the law now as an instrument for social engineering. He knows very well that the Supreme Court of Canada has ruled already that the provision in the draft legislation pertaining to the rights of religious officials to refuse to perform marriages is outside the jurisdiction of the federal Parliament.

Until now there has been no federal statute defining marriage, democratically passed by Parliament, for the courts to deal with. Therefore, all the decisions that have taken place have been in a legislative vacuum. By filling the legislative vacuum, we would be providing Parliament's guidance to the courts about this matter of social policy.

The Prime Minister will not hold a referendum. Calls for a referendum stem from the feeling Canadians have been left out of this debate. The Supreme Court has left the matter for Parliament to decide. The majority of the Liberal members of Parliament are voting against the traditional definition of marriage and are supporting Bill C-38.

On our side of the House, we are allowed a free vote so we can vote according to the wishes of our constituents and according to our consciences. Unlike members opposite, our leader firmly believes in the democratic process and in the right of the individual to choose. Democracy is all about that. This is Canada.

I will be voting against Bill C-38.

● (1730)

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Madam Speaker, I am very pleased to have the opportunity to speak

to this important bill, the civil marriage act, here in Parliament where so many other historic debates have taken place in years past.

Many members have spoken about how difficult this decision has been for them and how much difficulty they have had during this process of discussion. This debate has occurred in many places, in our communities, our churches and our families. Now it takes place where it should, in Parliament, where legislation is subjected to its most legitimate and democratic test.

I was asked recently if I wished that the legislation, as emotional as it is, could have been avoided, and I said no. We do not stand for election to this historic and important place in order to make easy decisions, but to debate and decide those that most matter to Canadians. We come to this place to discuss difficult issues, to debate the merits, to make decisions and to make law.

In my view this is a law whose time has come. I am pleased to tell members why I feel this way, as I have discussed this with my constituents back home. For me, the discussion revolves around two basic principles. The first is the issue of justice and the Charter of Rights and Freedoms. The second is an issue of personal faith.

First, our Canadian Charter of Rights and Freedoms is something of which Canadians are justifiably proud. It guarantees that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. I believe this bill follows that principle. I believe anything less than the right to marriage and the right to use the name marriage would be unlawful and would be unjust.

I also believe that it is right to protect religious freedoms and the bill clearly does that. How much clearer can it get than clause 3 of the act where it says:

It is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs.

I cannot imagine why that would be anything but clear in its protection of the rights of churches, synagogues, mosques and temples to choose whether or not to sanctify marriage. As well, the Supreme Court of Canada has indicated very clearly that Parliament must create uniformity of law across the country. This follows the precedent of eight other jurisdictions in Canada that provide equal access by same sex couples to civil marriage.

From the point of view of justice and the Charter of Rights and Freedoms, the answer is clear. This is a law whose time has come. I support the legislation because I think it is right and because it is both just and moral. It is consistent with both the Charter of Rights and with my own personal faith.

That is not to say that the issue has been without difficulty. Many people whom I respect greatly oppose my view, some in particularly strong terms. Though my view has never changed, I have struggled to find the words to express my strong support for the legislation. I found them in the words of Dr. Peter Short, the moderator of the United Church of Canada. He has expressed that the legislation does not represent an abandoning of faith, but rather an embracement of faith. He further reminds us that the literal interpretation of scripture has been used to justify actions that none of us would advocate: slavery, apartheid and the repression of women.

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From my own faith, I take heart in the notion of informed conscience, that as Catholics we need to combine the teachings of the word with our own objective judgments and make wise decisions. This concept have been the tenet of many lives, including my late parents, of people who have made this world a better place. There are many people of faith who feel differently, but there are many who feel as I do and have indicated it to me. It does reinforce the importance of religious protections so clearly delineated in the bill.

I have had many telephone calls, written exchanges and visits with people who feel differently. I respect their right to their opinions and have in fact come to understand some new views of my own. I recall a meeting with a Baptist minister who strongly opposed my view but with whom I was honoured to share a prayer in my office, and I thank him for that privilege.

I must confess though that there is one concept with which I am simply unable to identify. That is the concept that extension of marriage rights to gays and lesbians diminishes marriage rights to others. I simply do not think or believe that the extension of rights to others diminishes our own. Why would it?

• (1735)

Why is it acceptable for those in our society who have committed the most egregious crimes against children, men who abuse their wives, murderers, war criminals and terrorists, that they can be married without diminishing the institution of marriage but gays and lesbians cannot? It does not make sense. Likewise, the idea that same sex couples cannot be a family is absolutely wrong.

There is much rhetoric on both sides of this argument. There are some who say that same sex couples are in fact better parents, more loving, understanding and more sensitive. I would simply suggest that there are both good and bad parents who are both homosexual and heterosexual.

I happen to be the godfather to a little girl who has two mothers. I can simply say without any fear of contradiction that no one would be better parents to Emily and her sister Rosie than her parents Jane and Vicki. They are a family in every respect and deserve to be recognized by their country and their fellow citizens as the family they are.

On every level, legal, personal experience, personal faith and family, I believe this is the right thing. It sits comfortably in both my head and my heart.

It does however leave one issue that troubles some people. Am I here to reflect my own views or reflect the majority view of my constituency? Leaving aside the fact that there is no clear way to know for certain the accurate view of my constituents short of a referendum on this issue, would it be appropriate for me to vote according to the majority view?

I have a responsibility to consult with my constituents actively and openly. I have done this and I will continue to do this. However at the end of the day I need to make a decision that I believe to be right and I will. I suspect it will cost me votes.

The only polling I have seen on this subject indicates feelings are mixed in Dartmouth—Cole Harbour on civil marriage, but those

who oppose the bill are probably more inclined to vote against me rather than the reverse. This is democracy and I fully accept that fact.

However the fundamental issue of importance to me is that human rights and equality of minorities cannot be left to majority favour. Over the years, minority groups of every faith, race and sex have suffered at the hands of majorities. The fundamental principle of equality is the protection and even the enhancement of minority recognition and rights.

I support Bill C-38 for those reasons. I believe a time will soon come when we will look back on this debate with great national pride. The evolution of social justice, however, is seldom easy. I have respect for those who are uneasy with this legislation and I certainly hold no ill feelings.

I thank all my constituents who have expressed opinions. Nothing is more democratic or important. However the legislation passes every test for me, legally, morally and ethically. It affirms our Charter of Rights and Freedoms. It supports issues of equality and, most important, it feels right in my heart. This is a law whose time has come.

I support the legislation as introduced by the government.

Mr. John Duncan (Vancouver Island North, CPC): Madam Speaker, listening to some of the members speak to the bill reminds me of that old statement, "If you stand for everything, you actually stand for nothing".

The debate on Bill C-38 is vitally important because of the huge consequences it would have for Canadian society. The definition of marriage is a social issue as opposed to a rights issue and, therefore, is a matter for Parliament and parliamentarians to decide.

The Minister of State for Multiculturalism, the member for Richmond in British Columbia, assured the electorate in the 2004 election that he would defend the traditional definition of marriage at all costs. The member won the 1997 election and then lost in 2000 because he had lost touch with his constituents.

The riding of Richmond is very multicultural, with a majority of ethnic Chinese who believe strongly in traditional marriage. This legislation places the minister in a pickle. The Prime Minister is now telling him that he must vote with cabinet and oppose the traditional definition of marriage.

If the member for Richmond has any principles he will resign from cabinet. If the Prime Minister has any principles he will free his cabinet to vote their conscience.

The member for Richmond has been silent in the House of Commons and is marginalized if he continues to dither. His weakness will grow daily in the face of strong constituency opposition to the Liberal government position on marriage.

The bill has virtually no chance of passing the House of Commons if cabinet is free to vote their conscience.

For a member, such as the member for Richmond, to value the perks of office more than defending what he and his constituents profess to believe is unconscionable. He could do a huge public service and break the log-jam of cabinet discipline that is being used to pre-empt the public will.

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I will be the first of many to congratulate the member if he makes this choice and I will have zero respect if he does not. He has already waited longer than prudence would dictate.

The vast majority of new Canadians support rights, multiculturalism, the charter and the traditional definition of marriage. Bill C-38 makes no attempt to accommodate their values. The Liberal government is proposing to remove the traditional definition of marriage and labelling it a violation of human rights. This is a threat to religious freedoms and multicultural values enshrined in the charter.

I have had several opportunities to present petitions in the House calling on Parliament to preserve the traditional definition of marriage. On February 25, I presented 7,000 signatures collected by the Canadian Alliance for Social Justice and Family Values Association. This was in addition to the 22,000 signatures I presented earlier from this same group. This Vancouver based group, with the majority of their members drawn from the ethnic Chinese community, collected 29,000 signatures asking Parliament to protect and preserve the current definition of marriage. Many of the petitioners are in the riding of the member for Richmond.

I do not believe that Bill C-38 is a necessary piece of legislation. I have supported and I will continue to support the traditional definition of marriage. In this position I have been successfully consistent through four general elections. What the Liberal government is practising is a charade.

● (1740)

While the CPC as the official opposition is allowing and encouraging a free vote on this issue, the Prime Minister is insisting on cabinet support for the bill. This is adding to the democratic deficit which the Prime Minister once promised to abolish. Instead, he now owns it.

The Prime Minister misled Parliament on missile defence when he said that no decision had been made when it had already been made and communicated to the U.S. administration. The Minister of Foreign Affairs and the Minister of National Defence added their weight despite knowing to the contrary. The Prime Minister now owns the democratic deficit. It is time for the Liberal cabinet to be urged to vote freely on this matter of personal conscience.

I believe there are people of goodwill on both sides of this issue. It is also my belief that any government action that directly affects this institution should, first, only be done with the clear and overwhelming support of Canadian society, and second, should seek to have minimal impact on the institution to avoid unintended consequences.

From the volume of correspondence I have received on Bill C-38, it is clear to me that there is no consensus in Canada for this drastic societal change to be made. The majority of correspondents, certainly from my constituency, are strongly opposed to the legislation.

The bill would profoundly affect the institution of marriage and Canadian families by changing the very definition of the relationship that is at the heart of both of these institutions. I am very concerned about the possible unintended consequences of this drastic social change: first, that the institution of marriage and, by extension, the

family, could be weakened by the bill; and second, that religious freedoms could be infringed upon.

My fear is that tampering with the long held definition would weaken the institutional framework that supports the traditional family and the raising of children. When marriage is valued, it is an institution in which parental couples will sacrifice their personal situation for their children. When the institution of marriage is not valued in this way, one or more of the parents are more ready to abandon their responsibilities.

The special nature of marriage has proven over time that it is a cultural value that should not be dismissed due to court decisions in the absence of a federal statute defining marriage.

The issue at hand is not the Charter of Rights. It is Bill C-38. The only court that can definitively rule on the constitutionality of the traditional definition of marriage is the Supreme Court and it has not done so. The Supreme Court has explicitly refused to rule on the constitutionality of traditional marriage and has given the matter back to Parliament. This is a matter that ought to be debated and decided in Parliament, not in the courts.

The legislative vacuum on this issue has caused confusion and has forced the courts to rule without the guidance of Parliament.

Instead of hyperbolic statements about absolute rights, the House should try to find a moderate approach. This is the approach that the Conservative Party leader and much of the Conservative caucus are pursuing. We can find a balanced approach that would recognize same sex unions with rights and benefits due that relationship but still protects the traditional definition of marriage. The majority of Canadians can and do support this approach. Granting all the legal rights and benefits to same sex partnerships that the government grants to married heterosexual couples represents a middle position, a position that is in contrast to Bill C-38.

In 1999 the Deputy Prime Minister said in the House:

I fundamentally do not believe that it is necessary to change the definition of marriage in order to accommodate the equality issues around same sex partners which now face us as Canadians.

● (1745)

She has betrayed this statement by her subsequent actions. Parliament is as free today as it was in 1999 to preserve the traditional definition of marriage while accommodating the demand for equality by same sex partners.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, I am pleased to have this opportunity to speak on the legislation on civil marriage. It goes to the very heart of our values as Canadians to end discrimination against each other, to treat individuals with equality and particularly to ensure that the law treats every person with equality.

As I have considered this issue, I have been heavily influenced by an important lesson I learned many years ago from my daughter. Karen was only nine when she first heard about the terrible treatment suffered by Canadian citizens of Japanese origin: how homes had been seized, families separated and men and women interned.

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She was obviously disturbed by learning how these individuals and families had suffered and finally said, “Mom, what really bothers me is that maybe if I had been alive then I would have thought it was okay”. That moment has given me a principle which has been a guide for many of my life and political decisions.

Will this decision stand the test of time? Will generations to come look back on what we do today with shame or with approval?

There are many periods in our past which we can only look back on and wonder that our leaders of the time could have thought those things seemed okay. Usually they involved discrimination against a minority, often out of fear and often out of contempt for a group of fellow citizens, our fellow human beings, who were regarded as inferior and not quite worthy of the same treatment as the majority.

We interned Canadians of Ukrainian origin during the first world war. We imposed a head tax on Chinese immigrants and then excluded them entirely. We interned Canadians of Italian origin during World War II. These are times we can only look back on with dismay and wonder that they seemed okay at the time.

When Canada closed its doors to Jews fleeing persecution and almost certain death in Nazi Germany, this was surely one of our darkest moments, yet it appears that these actions were considered okay at the time.

We have discriminated based on race. We have discriminated based on ethnicity. We have discriminated based on religion. There was even a time when Roman Catholic marriages were not considered legal in Canada. Jewish marriages were not considered legal. It was considered okay that women were persons under the law in matters of pains and penalties, but not in matters of rights and privileges.

What a debt of gratitude we owe to five brave and determined women who challenged the prevailing opinion and the law of the time to establish the full personhood of women. How much we owe to those who ignored dire predictions of social upheaval and fought for the right of women to vote. How much we owe to those who worked to change the accepted rules of the time that women had to quit their jobs when they got married or pregnant.

In Quebec for much of its history it was considered okay that a francophone Quebecker, no matter how capable, had virtually no chance of becoming the manager, vice-president or president of the company he or she worked for.

Because we looked back on our history and saw the injustices that were done, we adopted a Canadian Human Rights Act. We adopted a Charter of Rights and Freedoms and enshrined it in our Constitution to protect minorities against arbitrary treatment, even from Parliament and the legislature.

Throughout history homosexuals too have faced contempt and discrimination, forced to live secret lives lest they be ostracized, fired or evicted from their homes. There was a time in Canada when homosexual relations were subject to the death penalty, and until the 1970s they were a criminal offence. Until very recently, a man or woman could be denied compassionate leave or pension benefits because a partner of many years was not of the opposite sex.

• (1750)

I understand that it is difficult for some to accept that a man can love another man or a woman another woman as most of us love someone of the opposite sex, yet the bond between two people of the same sex can be as profound, as committed and as life fulfilling as any heterosexual union.

Many protest that marriage is for procreation. If that were the case, I should not be allowed to marry at my age nor should many who are unwilling or unable to have children.

I reviewed my marriage vows. They did not say anything about procreation. What I promised was to love, honour and cherish my husband exclusively, through good times and bad, for the rest of our lives. For two people of the same sex who love each other enough to make such a profound public commitment to seek in each other fulfilment and completion, I say welcome to one of our most important social institutions: marriage.

I believe this decision will stand the test of time, that generations to come will approve of our including our fellow human beings fully and equally in the life of our country and our society.

Having carefully considered the views of my constituents on both sides of this issue, I intend to support the bill. It is consistent with my values as a Canadian and as a human being to treat every other human being with respect, with dignity and with love.

• (1755)

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Madam Speaker, with respect to Bill C-38, the Prime Minister has one thing right, that is, at stake is the kind of nation we are today and the kind of nation we want to be.

The legislation invites Canadians to go down a road they do not wish to travel and to accept as a nation a fundamental change to the traditional definition of marriage, a change the majority of Canadians do not wish or choose to accept. This does not bode well for Canada.

The Prime Minister does not wish to submit this issue to a referendum and he does not care what the majority of Canadians think or feel, but should the bill succeed, it will happen whether he likes it or not: at the ballot box in the next election. The issue is too big and too important for the justice minister, the Prime Minister and his enforcers to decide. It will be decided ultimately by the people of Canada, ordinary men and women who believe in the traditional definition of marriage.

Although our liberal courts and the Liberal Party of Canada would like to describe this as a rights issue, an equality issue or a dignity issue, it is not. If anyone is confused on this issue, it is the Prime Minister himself.

It is amazing when there are no guiding fundamental principles in play how, one step at a time, one can come to a place of confusion. Who would have thought just a few years ago that we would be having the debate we are having today? Even the then justice minister, Anne McLellan, had stated as late as 1999—

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The Acting Speaker (Hon. Jean Augustine): Order, please. The name of a member of the House is not mentioned. Members are referred to by position or by riding.

Mr. Ed Komarnicki: Thank you, Madam Speaker.

The then justice minister, as late as 1999, said:

Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same sex marriages.

She then said:

I fundamentally do not believe that it is necessary to change the definition of marriage in order to accommodate the equality issues around same sex partners which now face us as Canadians.

It was right then. It is right now.

What has changed?

Once again, in 2000 the minister stated, with reference to marriage being the relationship between one man and one woman to the exclusion of all others, "It has served us well...". It still serves us well and it should not change.

She stated:

We recognize that marriage is a fundamental value and important to Canadians... Important matters of policy should not be left to the courts to decide.

It should be decided right here in the House of Commons.

This is not an issue of whether gays and lesbians can vote or whether they can serve in the military, and it is not an issue, as the member for Burnaby—Douglas says, of whether gays and lesbians can drink at the same water fountain or ride on the same section of buses or be on the same beach. If these matters were an issue, as some say they are, it would lend credence to the Prime Minister's arguments relating to equality rights and dignity of the person.

The core issue here is the redefinition of a known term so as to include someone who would by the very nature of the fundamental meaning of the term not be included. By reformulating, redefining, diluting or extending the definition of marriage, it has made it mean something other than what it is and was. Marriage essentially is the union of two people, a man and a woman, who consummate their relationship by sexual relations with the potential to procreate.

To change the definition to suit the whim or needs of anyone is not equality. It is catering to the current political thought at the expense of those who actually believe the definition is important and meaningful to them.

The very essence of marriage, its inherent nature, is by definition an opposite sex institution. If we change the very essence of the meaning of marriage, we have destroyed the institution as it is known.

In 2003 in a British Columbia Court of Appeal case, the Attorney General of Canada argued that "legal marriage does not discriminate in a substantive sense because gays and lesbians cannot achieve the ends for which marriage exists".

This was also referred to in a statement by Mr. Justice La Forest in *Egan v. Canada* in a 1995 Supreme Court of Canada case, where the justice stated that the essence of marriage:

—is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

In the *Hyde v. Hyde* case, which has been referred to by many politicians and judges alike, seldom has this passage from the judgment been quoted:

Marriage has well been said to be something more than a contract, either religious or civil; to be an institution.

Marriage is not religious marriage or civil marriage. It is an institution. It is more than just a contract between two people. The judge in the *Hyde* case clearly indicated that.

The Prime Minister and others make the distinction between religious and civil marriage and then deal with civil marriage as if it were something less, and I would suggest only for the purpose of making the real decision easier and getting them off the hook with religious leaders. The reality is that when the Prime Minister changes the definition of marriage it affects all marriage, whether it is religious or whether it is civil.

What the Prime Minister is doing, and he is being less than frank about it, is embarking on a profound change to the meaning of marriage. The time tested definition of marriage should not be simply set aside because somebody has a different idea about marriage. There may be many ideas about marriage, but an idea does not make it so. Ideas have to measure against what marriage in fact is.

Marriage is more than just a committed, loving relationship. To redefine it to mean something less than it is, simply put, is to embark on a slippery slope. While it is true that courts have veered from these defining characteristics of marriage, it does not mean that they are right in doing so.

In fact, the basis courts use to make the decisions they do are subjectively based and based on their perception of society. What gives them the right to be the sole arbiters of this important issue?

● (1800)

In the most recent Supreme Court of Canada case, where the Prime Minister tested the waters by referring pointed questions to the Supreme Court, the court essentially held that "our Constitution is a living tree which, by way of progressive interpretation, accommodates and addresses the realities of modern life".

In other words, things change as society changes. That is the problem with our society. That kind of reasoning allows for an anything goes philosophy. If the courts and politicians start redefining and accommodating a meaning of a thing to suit their own purposes, we could come to a place where the original meaning is lost and the end has no resemblance to its beginning and, in fact, can come to mean the opposite. This path is wrong, ill-advised, ill-conceived and we need to stop it.

Some things in society are solid and foundational, and some things are right and not wrong, and they require no judicial tinkering or political invention or intervention. These are best left alone, in fact protected and defended. Our country will be better for it. The traditional definition of marriage must and should be protected and will be protected from this side of the House.

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The Prime Minister, after confusing the issue here as one of equality and rights, now tries to justify, by his inaction, the reason for his position now. He says that the definition of marriage has been changed by courts in seven provinces and one territory. Where was the Prime Minister when he had an opportunity to appeal those decisions and did not? Where was the Prime Minister when the courts had no federal legislation defining the capacity to marry and struck their own course to deal with the common law definition of marriage? Why did the Prime Minister advocate his constitutional responsibility, a responsibility that would have allowed him to define the capacity of marriage in line with his 1999 thinking so the courts would have a basis upon which to make the decisions that were before them?

He now uses his inaction to justify his present position and that this is the law of the land and he cannot do anything about it. In fact, the Supreme Court of Canada refused to rule on the all important fourth question, which was whether the heterosexual definition of marriage was constitutional. However it did say that Parliament had the ability to legislate with respect to the capacity of marriage which would include the definition of having it heterosexual. It did not rule on the constitutionality of that issue as the government's stated position was that it would proceed regardless of what answer the court gave. This is an example of the arrogance of the Liberal government.

The Prime Minister would like to divert attention from the real issue by saying that the notwithstanding clause needs to be used. It does not need to be used until the court rules on it and this party has the opportunity to legislate as does the government on that issue.

The Prime Minister's argument that religious officials are protected by not being required to perform same sex marriages is a very narrow point. It is a red herring and a small comfort to religious leaders, this especially so given the Prime Minister's and the former justice minister's flip-flop on maintaining the traditional definition of marriage. Any religious rights would surely clash with equality rights and everyone knows in such a battle the outcome would be uncertain.

My leader said, "There are fundamental questions here. Will this society be one which respects the long-standing basic social institution of marriage, or will it be one that believes even our most basic structures can be reinvented overnight for the sake of political correctness? There are some things more fundamental than the state and its latest fad". That is the traditional definition of marriage.

He went on to say, "...marriage and family are not the creature of the state, but pre-exist the state". We as a state must uphold and defend the traditional definition of marriage.

It is truly a significant time in the history of our country and indeed it is a time where at stake is the kind of nation we are today and the kind of nation we want to be.

As the Prime Minister has stated, "the gaze of history is upon us". Whose vision of the future of our nation is the correct one? There is no doubt about that and the people of Canada will see to it. The Prime Minister has it wrong. Canadians will see to it that he has it right.

● (1805)

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, it is a pleasure for me as well to have these few minutes to speak on this matter, which could well be called a highly sensitive one. That is why the debate must be carried out with respect to all in this House. Personal attacks against certain members, or ministers, such as we have just heard, are not necessary. They are, moreover, excessive, since there will be parliamentarians of all parties in this House who will be on opposite sides with colleagues in their own party. This is an essential point that must not be lost sight of in this debate.

I will state my background. I have been married for 34 years. I am a grandfather. My wife Mary Ann is known to most of my colleagues here in this House. I am a practising Roman Catholic living in a francophone rural community. I intend to vote in favour of this bill. That will perhaps surprise some people, but that is too bad.

In my view this is a question of rights. These rights have been established and defined by the courts. Some criticize the Deputy Prime Minister, saying that as Minister of Justice she said one thing before the court gave its ruling and then said another after the court gave its ruling. Obviously, the judgment of a court has changed the definitions. Otherwise, we probably would not be having this debate. That is clear.

There is no need to attack colleagues because of what has happened. Instead, we must talk about our vision and what each and every one of us thinks is the best option for the future in this matter.

That is why I am speaking today. Is it a question of changing the definition of marriage in my province? Not at all. Same sex partners are getting married today, they got married yesterday and they will get married next week. It will change nothing in my province. In seven provinces and one territory in Canada, nothing will change. It is an existing practice.

Did those who have just made partisan comments mention that this will not affect these provinces and this territory? It is as though we were setting out to redefine something that did not exist before today, but that is not true.

[*English*]

Since this decision has come down I have received marriage invitations in my own constituency from people of the same sex. However I have not attended because I am not ready for that. I do not know if I ever will be but that is another matter. It has nothing to do with that. It has to do with what the courts have decided is a fundamental right, which is why we are here.

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Many years ago the courts in this country decided on other issues of rights. Yes, as the member said, the Supreme Court made decisions. I am glad the hon. member across heckled that because I want to refer to the persons case where in fact the Supreme Court had decided against. The issue was appealed to the judiciary committee of the Privy Council at the time which reversed the decision of the Supreme Court and decided that in terms of the British North America Act a woman was a person. The question was: why not? That was the decision that was given at that time.

Once that decision was rendered in 1931, did we ask ourselves the question: Does a majority of the people agree with the decision taken before we decide to put it into effect? Or, more appropriately put: Did the majority of the men, who were the only ones who counted, agree because prior to that presumably women were not persons? Were they somehow polled? Did we receive petitions? Did we decide in that way before determining whether the fundamental right that had been decided upon was going to proceed? Of course not.

At the beginning of my remarks I said that I have been married for 34 years to my wife Mary Ann. I wonder, if in 1931 the House had decided not to respect that decision that was handed down at the time, whether my wife Mary Ann would have the same rights today as I do. Would my daughter Julie, who worked here on Parliament Hill, and many of my colleagues on this side of the House and on the other side know as well, have the same rights as I do?

I think the answer is clear. I am quite certain that if they would have achieved that equality it certainly would not have occurred at that point. It would have taken longer if at all. We know that is the answer.

This has nothing to do with whether I like the decision that was handed down by the court. We vote on many things that we like and we vote on many things that we do not like. The issue is not whether we like it. It is whether it is right, which is why this issue is so important. It is important for us not to spend our time attacking each other but to talk about the importance of the issue.

Notwithstanding my background and notwithstanding everything else, I made the decision to take this opportunity to say where I come from on this issue. It may be from a totally different vantage point than many other members. It is for a totally different reason perhaps some would argue, but I hope at least that my rationale is valid. I say to the House that all of us have to look at it that way.

Yes, I have received letters, some nice, some no so nice and some threatening on both sides perhaps, although clearly more threatening with one particular point of view. I have seen all of this over recent months. I have seen attempts to plug up the e-mails in my office with thousands of them on one day, as if that would be a determining issue as to what are rights. Are rights determined by those who can plug up our e-mail? Is that the way in which we are going to govern this great country? Is that the way in which we have done it in the past?

I want to hear my colleagues tell me about the use of the notwithstanding clause in all of this. That is important.

• (1810)

Many same sex partners are already married. If we were to vote against Bill C-38, we would presumably not want them to have that

right, which is already available in the province where I live. Are we going to unmarry those people, and by what process? If it is the position of some hon. members that it is wrong, then surely the ones who are married now are in the wrong. How are we going to revoke that? Do we use the notwithstanding clause?

I do not know whether I will ever vote in favour of using the notwithstanding clause for anything. The day that I do, I hope it will never be to revoke the rights from those who have received those rights by the courts of this great country. That is not where I stand. It will never happen that way as long as I have anything to do with it and as long as the people of Glengarry—Prescott—Russell decide that I am the person who should be here to represent them in the House.

Sooner or later we will all belong to some group or some minority. Somehow we will all be in that kind of situation. If we start revoking the rights of minorities, then the question we must ask ourselves is: who is next? Sooner or later it will be every one of us and every one of those we love and care for. Let us not do that. Let us stand up for what is right. For my part, I believe, respectfully, that what is right is to vote for Bill C-38.

• (1815)

Mr. Peter Goldring (Edmonton East, CPC): Madam Speaker, I am pleased to speak on this very important issue that is of such great concern to many in my riding of Edmonton East and indeed right across Canada.

I would like to comment on the speech made by the member opposite earlier. We certainly believe that this issue should be in the House of Commons. The disappointment is that, unlike 1931, it is here with a whipped vote. It has an influenced vote on the frontbenches. It has an influenced vote on other parts. It has an influenced vote on other parties in the House too. That is very disappointing. This is exactly the place where this issue should be if there is going to be a question on it, but the fairness of the vote would be best.

Historically, marriage was recognized by the common man to be the cornerstone of existence itself. Marriage, as we know it now, became entrenched in society. Religion embraced marriage and the family unit as a significant sign of God's blessing for the world as a unique individual gift. Marriage is known and taught throughout the world by the vast majority of the people on earth as both a sacrament and vocation. The marriage debate taking place in the House, however, has once again allowed a special light to fall on marriage, its very meaning and essence.

Canadians are supportive of our multicultural society, particularly our emphasis on the equality and rights of all individuals. This issue of redefining traditional marriage to include same sex couples, however, is not an issue of individual rights but of collective rights. The collective beliefs of the vast majority of Canadians from across the world's cultural communities is that the traditional definition of marriage is a union of one man and one woman. This debate has this time caused Canadians to rally to the defence of natural marriage.

Government Orders

As we speak, coalitions, fraternities, groups, organizations and ethnic communities are forming and growing roots of discontentment on this issue throughout our nation. For one of the few times in the history of Canada, the people of Canada, with a single purpose, are uniting to define the traditional definition of marriage from what is being recognized as an orchestrated attack by the government on the institution of marriage, the bedrock of Canadian society.

I wish to refer to excerpts from just one of the many new declarations and mission statements made available by citizens who are now rallying to the defence of marriage. This declaration speaks to the heart of the issues and the matters at hand and should be recognized by the House as representative of the view of many citizens across Canada. It is entitled "A Declaration on Marriage" and is made available by Enshrine Marriage Canada through Robert Picard, president of the Canadian Foundation for Ethical Government. It states:

Marriage and the family are universal. All human beings are born of a mother and begotten by a father. This is a universal biological reality and the common experience of all people. The state supports the institution of marriage because it promotes and protects the father-mother-child relationship as the only natural means of creating and continuing human life and society.

Marriage means one man and one woman. Marriage in Canada has always been defined as "the union of one man and one woman," the chief function of which is to promote the biological unity of sexual opposites as the basis for family formation. Governments may want to support other relationships, but these should not be called "marriage," or confused with it.

Marriage is centred on children. Marriage is a child-centred, not an adult-centred, institution.

Marriage rests on four conditions. Marriage is a solid social structure resting on four conditions concerning number, gender, age, and incest. We are permitted to marry only one person at a time. They must be someone of the opposite sex. They must not be below a certain age. They must not be a close blood relative. Those who satisfy all these conditions—each of which safeguards the well-being of children, the family, and society—have a right to marry. The removal of any of them threatens the stability of the whole structure.

Marriage is about more than equality. All government policies are intentionally preferential. If we want welfare or veterans' benefits, or child-support, or marital benefits, we have to qualify for them. Such policies are ordinary forms of distributive justice through which, for its own good, the state discriminates in favour of some people, and some relationships, and not others. So an absence of "equality" is not a good argument against such policies. As same-sex partnerships already receive the same benefits as marriages, however, something else is at issue: an attempt to persuade the public that such partnerships are of the same value to society as marriages. But they can only be made so by denying the unique contribution of marriage as a biologically-unitive, child-centred institution.

• (1820)

Marriage belongs to the people. Marriage is an institution that has arisen from long-held beliefs and customs of the people that are prior to all states and all courts, and are essential to the very fabric of society. Any attempt by unelected officials of the courts or by any other branch of government to claim ownership of marriage, to alter it without the support of a significant majority of the people, or to diminish the father-mother-child relationship in favour of the state-citizen relation, usurps the natural rights and freedoms of the people and constitutes a serious breach of the public trust.

This pivotal issue has brought unity to the people of Canada in recognition that they can no longer take their constitutional freedoms for granted. Further, it has brought with it the realization that all of us, as citizens of Canada and as human beings, must come to the aid to support our family values and the institution of marriage, and those who choose this definitive, child-centred relationship as their lifelong vocation.

Same-sex relationships could be publicly recognized, as could opposite sex, long term economic relationships through the use of

such concepts as registered domestic partnerships, or whatever term is decided.

The redefinition of the word marriage cuts to the core of so many Canadians' lives that it boggles the imagination that it would even be an issue today. The Liberals, in their quest to re-interpret all things to fit their myopic vision of the Charter of Rights and Freedoms, do so without regard to the sensitivity of Canada's faith, cultural, and collective citizenry.

For those who recognize the importance of how the lessons of history affect the present, I would remind them that the Charlottetown accord was supported by the government of the day, but failed when all Canadians had the opportunity to have a voice, to have a vote in a national referendum. Even the issue of embodying a distinct society recognition for Quebec failed to have the support of Quebecers, the minority affected.

In 1999 the House of Commons held a free vote to support the definition of traditional marriage as the union of one man and one woman, which carried by a great majority.

Today, shamefully, many members of the House of Commons will not be allowed to vote freely. Members will not be allowed to represent the people who have elected them to be their voice. The Liberals, the Bloc and the NDP are stacking the deck of true public opinion by forcing members to vote only by party line. It is very evident that the only way true public opinion will be heard is in a national referendum, where once again each and every Canadian will have a voice, a vote.

It is clear that it is time we heard from all Canadians on this vital social issue. With that in mind, I have brought a preamble to a petition. I think it is worth reading because this is the question that many Canadians are feeling they should be asking in order to have their say. It begins "Whereas the historical, cultural, traditional and natural definition of marriage in Canada has always been the union of a man and a woman, we, the undersigned, petition Parliament to call for instituting a national referendum to ask the people of Canada directly if they wish to redefine marriage.

I refer again to my comments where I said that in 1931 a free vote in the House on a very important social issue was a good way to have it and the way that it should have been done. However, I have a great fear today, with indications from around the House from various parties, that it will not necessarily be a free vote. I feel that perhaps citizens' initiatives of other formats should be considered as well.

• (1825)

Mr. Mark Holland (Ajax—Pickering, Lib.): Madam Speaker, I find it interesting to listen about free speech, free votes, when the members in the official opposition had to have their speeches vetted. The comments I am about to make have not been vetted. They are reflective of my opinions, after much deliberation with my constituents on an issue which is extremely important to me. I will be speaking from the heart.

Adjournment Proceedings

In the last year and a half civil marriage has been extended to gays and lesbians in Ontario, and I have had a lot of time to reflect. When I ran in the last campaign and decided how I would approach this issue as somebody who aspired to sit in the House and be a representative of my constituency, two factors weighed prominently for me and that I articulated. The first was the protection of religious freedoms as guaranteed under subsection 2(a) of our charter. The second was equality for all Canadians, which is also protected under our charter.

I take that document very seriously. It is a document that I think needs to be a guiding force in the decisions that we make in the House. Wearing pins that call it stupid certainly does not add anything to the debate. It is a great document and it is worth considering as we move forward in this process.

The first question is on the issue of protecting religious freedoms. There are a couple of things that are worth mentioning. Subsection 2 (a) of the charter, which is very clear, is also further reinforced within this legislation under clause 3. It states:

It is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs.

It also is stated in the preamble, as follows:

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

That is pretty clear. In fact there was legislation in the Province of Ontario that was very similar along these lines and many different religious groups came out and said that it was dead one, that it was exactly what they wanted to see to ensure their religious rights were protected. We have done the same thing and I feel very comfortable in that.

For those who are not even comforted in that very secure wording and also subsection 2(a) of the charter, we have further protection. In fact, the issue of divorce is a perfect analogy in this regard.

When we look at the issue of divorce and remarriage, not so long ago the church would come out and rightfully say that within the Bible it stated that it was a mortal sin to get divorced and then remarried because that was considered adultery. The church had a great concern at that point in time that it would be overridden and the state would force the church to perform remarriages. That never occurred and it never took place. The respect of that distinction remained and we dealt with the issue of divorce in totality.

We have on the one hand the protection of religious freedoms, and we know that is assured. I outlined all the reasons why it is absolutely assured. What is the next issue? It becomes the question of equality. Why is it not a question of equality, although some question that it is a matter of equality? I do not feel it is absolutely and fundamentally an issue of equality.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1830)

[English]

BROADCASTING INDUSTRY

Ms. Bev Oda (Durham, CPC): Madam Speaker, late last December we asked the Minister of Canadian Heritage about her role and responsibilities regarding the Canadian broadcasting system.

The official opposition has seen little evidence that the government is up for the job. It does not have a clearly defined plan for the broadcasting system in Canada and if the government had articulated a plan for the new communications environment, Canadians would have greater confidence in its stewardship of our broadcasting system.

When I was a CRTC commissioner, we knew that digital technology would dramatically alter our communications environment. We knew that Canadians would be using new technology and devices not seen before. The U.S. government established its policy framework for the digital age 15 years ago. Here in Canada the government has done nothing. Consequently, the CRTC has been establishing national policy as it deals with each individual application.

Today we have a situation where, without any broad policy direction from the government or a review of its radio broadcasting policy, the CRTC has gone ahead and heard subscription radio applications. In other words, we have decisions being made within a vacuum. Without a plan and updated policies established by elected members of the House, we continue to see government appointees determining the future of Canadian broadcasting.

I also want to point out that if the minister and her government are not up to the job, we are ready to take over. Currently the situation is compounded whereby the boards of key industry organizations are in flux. The CBC has lost its chair, two other board positions have lapsed and one other will lapse within months. At the CRTC the government has left the Maritimes and B.C. without representation. Who is really in charge?

We have no clear government policy or plan for this sector, not even for today and tomorrow. As the environment changes and technologies are advancing, it is imperative that we have a map of how our broadcast system is to unfold.

Last December the minister said that the CRTC and the CBC were independent of the government, and so it should be. However, her responsibility is to lay out a plan and clear policy directions within which these agencies should move forward. The government must do more than merely respond incident by incident. If it had been listening to the demands of Canadians and aware of the realities of the environment, it would not have had to use taxpayer dollars to create an emergency task force to deal with the introduction of foreign language services such as RAI.

Adjournment Proceedings

Why does the minister not fulfill her responsibilities to lay out tomorrow's vision for this sector? Will the government present a clear, comprehensive plan for the future of Canadian broadcasting in Canada so that it is the government and not the CRTC determining our future. Will the minister insist that the review of the telecommunications sector, announced in the budget, will include consideration of how broadcasting will be delivered and affected in the new world of broadband delivery and competition, not only in telephony and data but also in video? If not, then its inaction will force Canadians to access their desired services using new technologies and bypass the Canadian system.

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Madam Speaker, I want to thank all members of the House who support the CBC, as I do, and its central role in the vitality of culture and identity in Canada.

It gives me great pleasure to talk about concerns expressed regarding the comments of Robert Rabinovitch, president of the CBC, published in *La Presse* on December 8, 2004.

In his interview, Mr. Rabinovitch expressed the view that the Minister of Canadian Heritage could not intervene directly in public television programming. He also stated, "The CBC is a public service, not a crown service".

Allow me to respond directly to Mr. Rabinovitch's remark. It is neither the minister's mandate nor her responsibility to intervene in the programming of a crown corporation such as the CBC. Moreover, as the president states in the article, "[The Minister of Canadian Heritage] says things in the newspapers, but she has never phoned to tell me to change a program she dislikes". Later in the same article he said, "I have been here for five years, and in those five years, I have never received a call from the minister about programming".

As the member can see, Mr. Rabinovitch's remarks indicate that the ministers of this corporation have always respected the CBC's independence from the government.

Let me refer to two acts that are essential to the understanding of the roles of the Department of Canadian Heritage and the CBC.

The Broadcasting Act, 1991 stipulates that the Canadian Broadcasting system should safeguard, enrich and strengthen the cultural, political, social and economic fabrics of Canada; encourage the development of Canadian expression; maintain and promote the national identity and cultural sovereignty; and inform, enlighten and entertain Canadians of all ages, interests and tastes. The act also specifies that the system must be owned and controlled by Canadians, that the programming be drawn from local, regional, national and international sources, including educational and community programming, that they be offered in French and English and that there be a national public broadcaster, a single regulator and a single system.

In pursuing these objectives, federal policies and programs are set up to support the creation of distinct programming that reaches in every community and reflects their realities in all their diversities. The system is also a window on the world and offers the Canadian public the best programming in the world.

The other act, the Department of Canadian Heritage Act, establishes the mandate that the department carries out in the cultural and community life of Canada. The Minister of Canadian Heritage is responsible for policies and programs relating to broadcasting, among other things. The Canadian heritage portfolio, composed of the department and 19 crown corporations and agencies, including the CBC, plays a central role in supporting cultural and community activities in Canada.

The departmental agencies and crown corporations in the portfolio are among the principal Canadian institutions supporting artistic and cultural expression. The Minister of Canadian Heritage ensures that the main orientation of the agencies and crown corporations in the portfolio support the government's goals and priorities.

Given that, it goes without saying that the Minister of Canadian Heritage, as the individual responsible for the entire Broadcasting Act and policy, is called upon to make comments, perhaps comments which provoke reaction. However, expressions of opinion or doubts as a minister is not interference in the day to day activities of a corporation like the CBC.

• (1835)

Ms. Bev Oda: Madam Speaker, as we have indicated, the minister does not act. She talks and she talks through the press. It is very clear that she thinks she does not have to respond either in the House, through committee or through delivering on policies and reviews for which we have been waiting, and we have been waiting for the Copyright Act.

I would suggest that the minister chooses the press to indicate what she believes is Canada's broadcasting policy. I think English Canada would be very interested to know that the minister indicated in the French language in the French press that she received hundreds of invitations every day from people inviting her to events. She indicated clearly that she gave priority to those invitations from Quebec. We believe these kinds of things should not be dealt with in the press but should be dealt with here in the House. We think we need good policy and plans.

Hon. Peter Adams: Madam Speaker, I would also like to point out that in the recent budget the government confirmed the importance of public broadcasting in this country by providing the CBC with an additional \$60 million. This was in addition to the nearly \$1 billion in funding for the CBC already committed by the government in the 2005-06 main estimates.

In addition, the CBC has been exempted from any cuts to its budget under the government-wide expenditure review.

The Department of Canadian Heritage and the CBC are two distinct and legitimate entities that nevertheless work together to safeguard, enrich and reinforce Canada's broadcasting landscape and culture. Moreover, as the individual responsible for the Broadcasting Act and as stipulated in the Department of Canadian Heritage Act, the minister violates no act by expressing a personal opinion on the CBC's programming.

Adjournment Proceedings

•(1840)

CITIZENSHIP AND IMMIGRATION

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Madam Speaker, a little review of the history of this question is in order before we get to the substance of the debate tonight.

On December 9 I asked the then immigration minister, now the backbencher for York West, two questions. I asked how many ministerial permits the minister issued in total during the last election and how many she issued to individuals affecting her own riding. As *Hansard* demonstrates, the former minister blew off the question at the time saying that the Ethics Commissioner would report on whether or not she broke the rules.

Of course, since then more details of ethical lapses have emerged, including illegal campaign donations and allegations of more permits for politics. I note that the former minister has denied the second instance of permits for politics and is attempting to clear her name in civil court on this allegation.

The former minister has already been convicted in the court of public opinion and has been dismissed from her post by the Prime Minister. Notwithstanding her dismissal, there remain unanswered questions about the former minister's conduct, questions that go to the heart of the ethics and accountability that the government upholds.

First, how many ministerial permits did the former minister sign for people in her own riding and people working on her campaign? How many has she signed in total across Canada? This matters because it may be that the former minister not only does not belong in cabinet, but also perhaps does not belong in Parliament at all.

Second, what exactly did the Ethics Commissioner report back to the government? Did the former minister violate the ethics standards of the government? What laws, if any, were broken? Subsequent to receiving the commissioner's report, were the RCMP called upon to investigate further is another question I would like answered.

Would the government table the commissioner's report? If it has been submitted, will it do it now, or would the government prefer that the commissioner be called before the ethics committee to testify? If the commissioner has not reported back, could the government explain why it has taken such an unusually long time to do so? It has been four months since the commissioner was called upon to investigate.

Some might suggest that the matter has been dealt with, that the former minister was fired and that resolves the problem. But the matter has not been dealt with. The Prime Minister knew about these ethics violations for weeks before he chose to act. In fact, he became complicit in the attempt to avoid accountability for the former minister's actions. The public has since learned that his office gave strict orders not to accept the resignation of Ihor Wons so as not to give the impression that there was wrongdoing.

That raises further questions about the ethics and accountability of the entire government. This was not just one minister abusing her position, but the chief minister defending the abuse. Why would he do this? What did he have to hide?

In fact, that leads me to wonder if other ministers and MPs may have been involved in this permits for politics scheme. Of course, if there was no such scheme it would be very easy to prove. I challenge the government to do so.

The government simply needs to release the statistics for ministerial permits on a riding by riding basis. There is no violation of the privacy of any person in releasing these statistics. We do not need names of individuals, only quantities broken down by riding. There is no violation of the Privacy Act in releasing such details.

Again, I challenge the government to come clean and tell the truth about what happened in York West last election. I challenge the government to tell the truth about the abuse of ministerial permits, and the full extent of the Prime Minister's involvement in this permits for politics scheme. I challenge the government to tell the truth about the former minister's ethics violations.

•(1845)

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, the hon. member will know from a previous response to this type of question that the Department of Citizenship and Immigration tables a report to the House of Commons by November 1 of each year with the information on the number of temporary resident permits that are issued in Canada at ports of entry and visa offices abroad.

The vast majority of permits are issued by officers with delegated authority to make decisions without any ministerial involvement. They are done on a case by case basis.

The preliminary numbers for last year show that 13,575 permits were issued. Such permits are issued to foreign nationals rather than to members of Parliament. Therefore there is no breakdown on a riding by riding basis.

The hon. member will also know that the hon. member for York West did a great deal more than simply ask the Ethics Commissioner for confidential advice. The Ethics Commissioner in fact has been given a mandate to examine how permits were issued and whether there has been any abuse of that power. This is what the hon. member for York West asked the Ethics Commissioner to report on to the House.

In response to the member's question about why it has taken so long, I have been advised that there has been an illness that has delayed the process of this work. The final report will be forthcoming.

I believe in the interim that Canadians are prepared to put their faith in the rule of law and in the time honoured principle that someone in this great country is innocent until proven guilty. Canada of course has been built on these principles and they are principles which we should always continue to pursue.

Mr. Russ Hiebert: Madam Speaker, Canadians do have faith in the rule of law but they do not have faith in the Liberal government.

One thing that has become clear in this process is that the government appears to be hiding something from Canadians.

Let me remind the House that last December the former minister was asked time and time again what her involvement was on these issues. Her response was to wait for the Ethics Commissioner to reply.

This evening my hon. colleague has reminded us that it was a confidential report that the former minister requested from the Ethics Commissioner. Yet last December she was declaring in the House to wait for the Ethics Commissioner to reply. Now it is acknowledged that it is a confidential report.

The question remains, will we ever find out what the Ethics Commissioner has to say about these ethics violations? Although reports are given to Parliament on a yearly basis on how many permits are issued, it is regrettable that they are not broken down riding by riding. However, that does not limit the government in giving us that information.

Hon. Paul Harold Macklin: Madam Speaker, I would like to review some facts with the hon. member regarding this matter.

The truth is that temporary resident permits are issued in a transparent manner that requires the Government of Canada to provide the House with just what we were mentioning, full disclosure every year.

Today's system is eminently preferable to the discretionary entry system that we had before the Immigration and Refugee Protection Act which did not require any such disclosure.

The Government of Canada is firmly committed to providing Canadians with all transparency that such an important program demands. That is what we have done.

The hon. member for York West has also asked the Ethics Commissioner to report to the House on whether she adhered to the principles of fairness, transparency and compassion which are so clearly the cornerstones of this program.

The Ethics Commissioner is now doing his job and I suggest that the hon. member should let him do it.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Madam Speaker, in December of last year I asked the government why it had cancelled a program seven times that would have helped recognize foreign trained professionals. I would like to raise this question again tonight.

It is interesting to note that the Liberal government cut \$25 billion from the health care system. Due to a complete lack of leadership from the Liberals, we have seen a perpetual state of dithering on allowing more professionally trained foreign individuals to practise in Canada.

Due to Liberal neglect, Canada's health care system faces a looming personnel shortage. The numbers of doctors, nurses, technicians and other practitioners are increasingly inadequate to meet our aging population. This significant problem demands a solution. The Liberals love creating problems but it seems that only a Conservative government will be able to fix them.

An important step toward solving the looming health care resource crisis would be a more fair and efficient system of foreign

credential recognition. Everyone has known this for years, yet the Liberals have done nothing about it, and continue to do nothing about it. It took a backbench MP to finally introduce a bill to change the status quo.

Two weeks ago I raised this issue in the House during adjournment proceedings. The Parliamentary Secretary to the Minister of Finance replied that the government was establishing a fund to reduce wait times, part of which would address the human resource crisis.

Since the Liberals took power, wait times have increased drastically and personnel shortages have loomed even larger. The Liberals should apologize to Canadians for allowing the system to deteriorate to a point where such measures are necessary.

What the hon. member neglected to mention two weeks ago was that the trust fund would be nothing more than another Liberal slush fund masquerading as a public policy tool. Yet again the government has shown utter contempt for the well-being of Canadians by manipulating health policies to suit its own nefarious ends.

I would like to draw the attention of the House to paragraph 7(3) which states that the finance minister may pay money into the trust "at the times and in the manner that the Minister of Finance considers appropriate". In other words, he could funnel any amount of money into this arm's length trust whenever he felt like it. This trust will not reduce wait times as much as it will increase the Liberals' ability to fudge budget numbers.

This bears a striking resemblance to the numerous foundations established by the government that end up being used as holding funds for unspent taxpayers' money. Even if the Liberals' intentions were honest, they are obviously unable to do what the fund was set up to do.

We need to train more foreign doctors. It seems like a lot of money that the Liberals have committed, but it is money that will be spent over five years. We have to open our system to foreign trained professionals. Why is the Liberal government not doing that? It should apologize for the disaster which the health care system is in today.

• (1850)

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Madam Speaker, we know that Canada's competitiveness and well-being depend on how well and how quickly we develop and apply the skills of all Canadians.

Immigration is essential to Canada's continued social and economic growth, labour market development and success in the global economy. Between the years 2011 and 2016, immigration is expected to account for 100% of Canada's net labour force growth.

We support initiatives which address real and anticipated shortages in a range of sectors, working in cooperation with industry, education and provincial and territorial partners. The Government of Canada is acting to attract, select and integrate skilled immigrants so that they can maximize their potential and fully contribute to Canada.

Adjournment Proceedings

The foreign credential recognition program was first announced in budget 2003 and has been supporting priority activities since that time. Budget 2003 and further investments in 2004 amount to a total of \$68 million over six years. Through the foreign credential recognition program, we are working with provinces and territories, regulators, sector councils and other partners to accelerate the recognition of work experience, credentials and skills obtained abroad.

Through the sector councils we are bringing together business, labour and education stakeholders in key industries to develop solutions which address skills and labour shortages in significant areas of the economy. The government has doubled the amount of funding for sector councils to strengthen and expand the network so that more Canadians can benefit.

We are focusing our initial efforts on some key occupations experiencing skills issues, namely, engineers, physicians and nurses. We have been actively supporting the work of the international medical graduates task force, with provinces and territories, dealing with the integration of international medical graduates into the Canadian physician workforce.

This year alone the government has announced up to \$3.5 million in projects with the Medical Council of Canada, the Canadian Nurses Association, the Canadian Aviation Maintenance Council and the Public Policy Forum. These activities demonstrate our ongoing commitment to attracting and integrating highly skilled immigrants.

This program will benefit all Canadians because it means that immigrants and foreign trained Canadians will be able to fully contribute their skills and talents to Canada.

• (1855)

Mr. Steven Fletcher: Madam Speaker, the answer provided by the member is simply not acceptable. The fact is that since 1993 under the Liberal government wait times have doubled. Since then no action has been taken to deal with this issue and that is probably why a backbench MP from the government introduced a bill to move

along the issue of credential recognition. It took a backbench MP to do this. That demonstrates the lack of leadership by the Liberal administration.

The fact of the matter is that the Liberals have had over 10 years to deal with this problem and they have done nothing. From coast to coast in this country, there are well trained doctors driving taxis, which is a testament to the incompetence of the government.

Can the member just please apologize for the Liberal dithering and—

The Acting Speaker (Hon. Jean Augustine): The hon. Parliamentary Secretary to the Minister of Human Resources and Skills Development.

Hon. Peter Adams: Madam Speaker, I recognize the fine work that members of the caucus have done on this issue over a period of time. They have truly influenced the way the government works.

As I have mentioned, we are working with provincial and territorial governments, regulatory bodies and employers to find ways to reduce the underemployment and unemployment of foreign trained professionals.

As I said, the Government of Canada is acting to attract, select and integrate skilled immigrants so that they can maximize their potential and fully contribute to Canada through a range of settlement and integration programs, through language training and through a fast track system for skilled workers with permanent job offers in Canada.

The member mentioned a backbencher. I listened to her debate and I applaud what she is doing to help the government in this very important area.

The Acting Speaker (Hon. Jean Augustine): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a. m. pursuant to Standing Order 24(1).

(The House adjourned at 6:59 p.m.)

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Published under the authority of the Speaker of the House of Commons

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