



CANADA

# House of Commons Debates

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VOLUME 140 • NUMBER 123 • 1st SESSION • 38th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Monday, June 27, 2005**  
**Part A**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Monday, June 27, 2005

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

● (1100)  
[English]

### AGE OF CONSENT

The House resumed from May 19 consideration of the motion.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to join in the last 45 minutes of debate on Motion No. 221. The motion reads:

That, in the opinion of the House, the government should restrict sexual activity between adolescents and adults by amending the Criminal Code to change the age of consent from 14 to 16 years of age.

I am a big fan of private members' initiatives. Over the last 12 years I have had a number them and I have often thought that the best outcome of a private member's initiative is not for it to proceed through all stages, even though this is a motion and this would be its final stage, but it is to have the government adopt the intent of the proposal by a private member to ensure that the rights and interests of all are being protected.

It would be easy to argue that Motion No. 221 does not in fact help that process. It would suggest, for instance, that a 15 year old and a 17 year old engaging in sexual activity would be a problem but the problem here is the definition of sexual activity. Kissing, in fact, would constitute sexual activity.

The rationale of the motion presumes any sexual activity, which is the problem, but the intent is well-founded.

I have spoken many times in this place about children and about child pornography particularly. I do not think there is any disagreement in this place that the existence of child pornography means that a child must have been abused. The problem with private members' initiatives is that the only way for a private member's initiative to be successful is for it to be somewhat simpler in linear terms rather than trying to get a comprehensive solution to something.

Let us take for instance, Bill C-2. Currently the age of consent to sexual activity is 18 years of age where the relationship is exploitive. This is the difference between Motion No. 221 and Bill C-2. That

exploitive activity involves prostitution, pornography or where there is a relationship of trust, authority or dependency. Where none of these exploitive circumstances exist, the age of consent is currently 14. What the member seeks to do is to increase that from 14 to 16.

However the key here is that any non-consensual sexual activity, regardless of age, is an assault.

Under Bill C-2 the courts would be directed to look at some broader characteristics. I know the committee will be reporting that bill back soon. I am sure the member's motion, Motion No. 221, and the debate that it has brought to this place, will add further to the passing of Bill C-2, which I know members in this place will want to do.

With regard to the issue of an exploitive relationship, Bill C-2 directs the court to consider broader indicators, which, unfortunately, have not been specifically put in Motion No. 221 but I am sure have been included in some of the debate already. They include the age of the young person, any difference between the age of the young person and the other person, the evolution of that relationship and the degree of control or influence asserted over that young person. We can see that there are some other elements other than simply age.

As we look at the debate that we have had in the past, I do not think there is much question in this place that there is a serious concern about the linkage between sexual activity at a younger age and the exploitive sexual activity that Bill C-2 tries to address.

In this particular case, the bill provides a clear direction to the courts to infer that a relationship is exploitive of the young person after examining the nature and circumstances of the relationship and the youth himself or herself.

● (1105)

Motion No. 221 is an important motion brought forward by the member because it gives us the opportunity to raise the serious concerns that we have with regard to the exploitation of children. Although this may also relate to sexual activity, which is not of the character that we talked about during the debates on Bill C-2 and with regard to child pornography, it does represent a proxy to do the logical extension and to look at the linkages between the earlier sexual activity, however defined, and the risk of young people becoming involved in some of the exploitive activity, which is what this House has dealt with to a greater extent.

*Private Members' Business*

Bill C-2 intends to better protect our youth. I believe the member is thinking of our youth in bringing this matter forward. I want to remind the House that motions come before the House in the context that the government consider the advisability of taking some course of action. It means that no matter what else we do, the debate that takes place with regard to Motion No. 221 should provide greater input as we deal with other activities.

However, because Bill C-2 is at a point where it will be coming back from committee and there will be an opportunity to debate it, the member will find that much of the discussion that is taking place here will also be reflected in the discussion on Bill C-2.

I thank the member for participating in private members' business. It is an important tool that members of Parliament have to express their concerns about some of the social and moral issues of the day. There is no simple solution for a complex problem but if there is, probably it is wrong. In this context, it would be unwise and maybe imprudent to suggest that the member's motion is not comprehensive enough. In fact, private members' bills and motions often are very pointed in terms of areas to try to advance larger issues.

I thank the member for raising the issue and I hope, as a consequence of her contribution, the debate on defining sexual activity and, even greater, the exploitation of our children due to sexual activity, will be advanced as a consequence of her efforts.

• (1110)

**Mr. Andrew Scheer (Regina—Qu'Appelle, CPC):** Mr. Speaker, I want to pass on my thanks to the member for Fleetwood—Port Kells for bringing the motion forward. It is a timely motion, given the government's failure to adequately address this most serious problem. Many advocacy groups across the country, certainly in my riding, have been asking the government to take serious measures on the issue. As usual, we have seen a dithering government and justice department fail to actually do anything concrete.

The hon. member for Mississauga South talked about the government's own bill, Bill C-2. Bill C-2 fails in many respects. Most notably, it fails to protect a vulnerable category of children, those aged 14 to 16, from the grasp of sexual predators. Children at these ages can easily become the target of people on the Internet and of neighbourhood offenders who seek out vulnerable children to do them harm. Every day parents are horrified to learn that Canadian law fails to provide them with a legal recourse.

In most democracies, including the United Kingdom, Australia and most American states, adults are prohibited from having sexual relationships with children less than 16 and sometimes even 17 years of age. In Canada, a child may legally consent to sex with an adult at age 14.

The member for Mississauga South talked about how the current legislation deals with exploitative measures such as prostitution, pornography and other things. I would suggest to that member that this definition of exploitation is too narrow. We all know that children at 14 and 15 years of age are susceptible to types of exploitation that are not listed in the bill.

We can image a 35 or 45 year old adult who preys on young persons, manipulating their minds and certain circumstances. We can think of many examples where young women in poor households in

poor neighbourhoods are being groomed, a term used among child care workers, where adults buy gifts for children, take them to the movies and show them a side of life that maybe they do not see in their neighbourhoods in an attempt to lure them back to their homes to do them evil.

Under the current definition for legal consent for sexual relationships, a young boy or girl of perhaps 14 or 15 years of age can legally give that consent. In other words, the adult would be off the hook. However, is that young person really giving consent or is he or she just falling victim to the circumstances that the adult predator is basically manipulating?

Many child advocacy groups, provincial attorneys general, premiers, the RCMP and countless other organizations are calling on the government to immediately raise the age of consent. In fact, the former attorney general for the province of British Columbia and the current member for Vancouver South got together with the justice ministers from the other provinces and territories, and unanimously agreed that the age of consent should be raised to 16. Now that this hon. member is a federal politician and serves the Crown, his resolve on this issue appears to have waned.

The Liberals' reasoning for not raising the age of sexual consent is the worry that changing the law may criminalize sexual activity between young people, but that is a red herring. It is another excuse for not addressing fundamental problems in society. There are many other jurisdictions that have close in age provisions where young teenagers who are sexually active, classmates who have sex, for example, would not be subject to the same criminal prosecution.

Some hon. members opposite do not think this is a serious debate and would rather discuss perhaps corporate advertising. On April 23, 2002, the Canadian Alliance put forward a motion calling on the government to raise the age of consent for sexual activity from 14 to 16. Members of the NDP and the Liberal Party voted against and ultimately defeated the motion. The hon. member for Elmwood—Transcona said in the House:

When the day comes that we have that kind of debate in here and we go after the corporations for the way in which they are constantly, every day, in every house, on every TV set exploiting sexuality, then we will have a real debate on our hands.

This is a real debate. This is not something we should ignore and talk about something else straight away. This is an important issue for hundreds of thousands of Canadians, and for thousands of parents and families who want their children to have protection.

• (1115)

The security and safety of our children is a serious debate. All Canadian children should be protected from sexual exploitation by an adult before they are even old enough to drive a car. However, it would appear that this is not the case according to the Liberal-NDP coalition.

Canada's Criminal Code already permits children younger than 14 year of age to consent to sexual acts as long as their partners are less than two years older than they are. This close in age provision is already in the Criminal Code.

*Private Members' Business*

Rather than a straightforward, effective position on raising the age of consent to 16 years of age, Bill C-2 would create a situation where a judge would be obliged to consider a complicated test in evaluating the sexual relationship between a child as young as 14. This test would involve the consideration of criteria including the age difference between the accused and the young person, the evolution of the relationship, and the degree of control or influence the adult had over the young person.

Neither the existing Canadian law nor the proposals in Bill C-2 effectively address the sexual exploitation of children under the age of 16 by adults. Only by raising the age of consent can the law truly protect children.

I applaud groups such as Beyond Borders and Child Find that are bringing concerns such as these into the public domain. They have been fighting for the rights of children across Canada and should be commended for their fight on this issue. They realize that childhood is too precious to be taken away. It is my hope that with the help of advocacy groups across Canada and with the will of the House the age of consent will be raised.

Concerned parents have come into my office and talked about situations they have heard about either firsthand or secondhand involving young teenagers 14 and 15 years old who have been taken advantage of by an adult. I have to explain to them that under Canada's existing laws the justice system is incapable of addressing that problem. Sexual predators, 45, 50 or 60 years old, are within their legal rights to engage in sexual activity with a 14 or 15 year old. Many examples of adult exploitation of young children have already been mentioned.

The Liberal definition of sexual exploitation is too narrow. I would contend that a 14 or 15 year old child cannot legally give consent in many circumstances because of the different ways adults can entice them to engage in this activity. For instance, adults can groom young people, entice them, and spend a lot of time luring them away from their families and into their homes. A lot of documentation has been provided which shows people use the Internet to prowl and find young children who are susceptible to this.

I have spoken with police officers in my riding who have told me that they do not have the tools to fight this sort of thing. That has always been a problem with the Liberal government. It does not give our police officers the tools they need to make our neighbourhoods safe, to protect our young children from a serious blight in our society, adults who prey on young and vulnerable children.

I would like to thank my colleague for putting the motion forward. It is something that this party has been advocating for a long time because we listen to families. We listen to parents who are concerned about the safety of their children. We listen to police organizations that fight the front line fights, who go through the justice system and find flaws in our legislation. They talk to us and we listen to them. We listen to the advocacy groups that are concerned about the quality of life in our neighbourhoods and the safety of our children.

We listen to all those groups, but the Liberals do not. I do not know who they are listening to. I do not know who is setting the policy directives in the justice department who would argue against

protecting 14 and 15 year old children from this class of predator. Anyone who preys on young children is the lowest form of criminal.

I do not know who the Liberals are listening to, but the Conservative Party is listening to ordinary Canadians, to families and police organizations. We will continue to listen to them. We will continue to propose legislation that will make our neighbourhoods safer.

• (1120)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I am rising today on behalf of my party to oppose this motion. As usual, from the lack of knowledge that comes from the Conservative side of the House, I am not doing this on the basis of what the Conservatives think.

They should be aware, and obviously most of them sitting over there are not, that the amendments that were moved by their justice critic in committee were supported by myself, as a representative of my party, to change the age of consent but at the same time to build in protection. As opposed to again what the Conservatives normally do, I thought it would be best if we dealt with the facts of the situation we are confronted with in this country which is the need to have a defence in the legislation that would not criminalize a large percentage of our youth population who are engaging in sexual activity with other youth of roughly the same age.

I heard from the last speaker, who obviously is not being briefed by his own justice critic, about the present age of consent and the defence of a person being within two years of that age. That was not the amendment and that was the reason we opted to support the Conservative amendments.

The Conservative amendment would have a gap of five years. I believe the justice critic for the Conservative Party moved the amendment to five years as opposed to two, which seems to be satisfying the mover of this motion. If we were to look at the statistics of sexual activity among youth in this country, one would be criminalizing approximately 42% or 43% of male youth who are engaging in sexual activity if we went with the two year gap. In fact, there is that much of a difference.

There is always the stereotype that it is the male who is older. In fact, in 33% of the cases the female is older and in 43% of the cases it is the male. We had a potential for criminalizing literally hundreds of thousands of youth. The figures we were able to gather showed that roughly 800,000 youth in the age group of 14 to 16 are engaging in full sexual activity.

We would be potentially criminalizing somewhere in the range of 40% of them if we simply adopted this motion. That is what we are confronted with. I realize those facts may be somewhat disturbing to certain people, but that is the reality and as legislators we must deal with that reality.

We were very clear. We supported the amendments to raise the age to 16 and build in this other defences, so that we would not be criminalizing a large percentage of our youth.

**Mr. Richard Harris:** Did you share part of your speech with him, Paul?

*Private Members' Business*

**Mr. Joe Comartin:** The member keeps prattling on about wanting a copy my speech. This is all being recorded and perhaps he should be made aware that in fact he can get a copy when I am finished.

The other point that needs to be raised here with regard to this motion is that there is also about 6% of the age group that are beyond the five year differential. We are also looking at potentially criminalizing those, but the determination was made, and rightfully so, that the age gap of five years was the appropriate one. It reflected the reality of what is occurring in terms of defending it, but at the same time it is saying that once a person moves beyond that five year age gap it becomes a statutory prohibition and will be subject to criminal penalty as a result.

• (1125)

I want to make one additional point that came up repeatedly in the debate in the justice committee around the age of consent. We have already heard from the member from Mississauga that the government's position, supported by the Bloc, was that the exploitive dependency relationship is the one we have to prohibit. I analyzed that from the perspective of asking what in fact is happening now, because various Criminal Code sections now use the same type of analysis and Criminal Code framework to prohibit this type of relationship.

However, we heard repeatedly from crown prosecutors, some of whom prosecute only criminal offences involving sexual activity, and from a number of the police forces that this methodology, this infrastructure of the Criminal Code, in fact does not work. It simply is not a methodology that can be used with any type of reasonable success in our criminal justice system.

As I say, we heard that repeatedly. As a result of that evidence from the prosecutors and police forces at various levels in the country, it seemed obvious that the government had to shift its position. Unfortunately, it was not prepared to do that at the justice committee. Those amendments failed because of the positions of the government and the Bloc in opposing them.

I believe that debate has to continue. Bill C-2 is now waiting for royal assent, I believe. It went through. Perhaps I should point out that it was with our agreement and the agreement of the Conservatives that it was put into play.

What is going to happen now? There will be a review after five years, I believe, and we will then have to come back and find solid proof that what the prosecutors, the crown attorneys, and the police officers were telling us is in fact true: that it is not going to be effective in dealing with those cases where there are exploitation and dependency, the classic of the young person being exploited, oftentimes right into prostitution.

I firmly believe that the system now being put in place is not going to work and that we will be back here in five or six years and will move to what the Conservative justice critic moved at that time, which we supported. I believe that very strongly.

In conclusion, I want to make one final point. The decision of making this move has to be put in the proper context of dealing with the age of consent. The reality is that when we look at other jurisdictions that have moved to increase the age of consent there has

not been a significant increase in the number of convictions, even when they were very solid in what the age of consent should be.

What it has some effect on, and perhaps this is the most positive thing we can expect, is that there has been a communication by the legislature of that jurisdiction of its disapproval. I will not say it is significant, but it has had some effect on lowering the sexual activity among our youth.

We heard from psychologists during the course of the committee hearings that most youth, particularly those who are 14 or 15 years of age, are not in a position to properly judge whether they are ready for full sexual activity. By communicating this as a legislature, we have some impact on those youth. Again, it is not significant in terms of overall percentages, but it does communicate from us as legislators the need for them to perhaps have second thoughts about what type of sexual activity they will be engaged in.

For that reason, we believe that the age of consent should be raised so long as we have that defence ingrained.

• (1130)

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, I want to commend the member from British Columbia for bringing forward this very timely private member's bill. It is her first year in the House of Commons. She has been a very constructive and active member of the House of Commons and this is just another example of the fine work she has been doing as a member of Parliament.

Some of the Liberal and NDP members and some of Bloc members, I guess, would like to believe that 14 year olds are mature enough to make these sorts of decisions, that they are not children anymore, that they are almost like adults and they are free to make those decisions. What really flies in the face of that kind of logic, or lack of logic, is the whole area of the law. In its wisdom, the Liberal government said a long time ago that if people between the ages of 14 and 18 commit a criminal offence they have to be treated differently, not like the adult population. The government brought in the young offenders legislation and amendments and changes over the years, so that in dealing with criminal offences there are different age categories to be considered.

I noticed the other day in a confectionery that anyone who sells tobacco to someone under the age of 19 will face a \$4,000 fine. I think it is the Liberal government in Ontario that put this law in place; someone under 19 getting tobacco is so serious that we have to impose a \$4,000 fine on anyone who sells it. In some jurisdictions the age to be able to drive an automobile is now 18. People have to be 18 years old to vote in a federal election. The Criminal Code actually imposes obligations on parents to provide the necessities of life to a child up to a minimum of 16 years of age and most provincial jurisdictions impose that obligation up to the age of 18.

However, the Liberals, in their wisdom, say it is okay for a person 14 years old to get into a sexual relationship with an adult person, someone in their thirties or forties.

Let us look at a few examples. I think it is always good to look at examples. Members opposite find technicalities; they say this is too complicated, that we do not understand the technicalities.

*Private Members' Business*

In my constituency two or three years ago, three young men in their twenties picked up a 12 year old girl, gave her beer, drank with her, went out into the country and apparently had sexual intercourse with her. They were in their twenties and she was 12 years of age.

There were two separate trials. One man was convicted on the first go. The other two had a very prominent lawyer in Saskatchewan to defend them. He is a very good lawyer and he knows about the technicalities the Liberals are talking about. They are made for defence lawyers, who like Liberals because when the lawyers get into court the Liberals give them the cracks in the door to create reasonable doubt and so on so that their clients can walk out innocent.

The lawyer pounded away at one fact throughout the trial: that this girl looked a lot older than 12 years of age, that she could have been taken for a 14 year old or even a 15 year old. The lawyer pounded away at that issue. As well, the boys indicated that they thought she was over 14 years of age. It went to the jury. Let us guess what the jury did. I do not know what kind of reasoning the jury went through, but armed with this kind of law the Liberals have put into place, it came back with a not guilty verdict.

Fortunately, the Court of Appeal in Saskatchewan, in its wisdom, reversed that decision and has ordered a new trial, but where the second trial is going to go, I have no idea. There was a 12 year old girl who was seriously victimized because Parliament did not have laws in place to protect our young people.

• (1135)

Then we have people like the member for Mississauga South saying that this is too complicated, that the Conservatives do not understand the niceties. I can assure members that the prosecutor and the police officers involved in that case would not buy into the arguments presented by the member from the NDP, who was saying that the police, the prosecutors and everybody in this country are solidly behind the arguments those people over there are raising. That is total and absolute nonsense.

I practised law for 25 years in rural Saskatchewan before I came to this House. Back in the mid-1990s, just about everyone knew everyone in those rural communities. An excellent couple in their late thirties come to my office one day in tears; I knew that couple to be a very good family and outstanding members of their community. What was their story? They had come back from the RCMP. The RCMP had spent two or three days looking into their case and had told them they could not do anything for them.

Their daughter, 14 years old, had taken up a relationship with a person in his late forties. The parents were both in tears in my office. I said that the police had to be wrong. I said that I was not an expert in this area but I would look into it that evening, get back to them the next day and tell them that there had to be a remedy, that our lawmakers in this country, even Liberals, would provide parents with a tool or a remedy for that kind of abhorrent situation.

No, there was not. I went through all the law I could find. There was nothing there to help these people, not a single thing. There were more tears when I told them that. I was the messenger. When I practised law quite often I would get upset with the law because I

was the messenger, the one always condemned for delivering the message.

However, it is people like the Liberal members of this government who have the power to make laws in this country that could help the police, society, parents and, more important, our young people in this country. The Liberals fail miserably on these counts. They come up with all these technical loophole arguments as their way of getting around this.

I am really disappointed with the member for Mississauga South. He has always advocated being a strong pro-family person, a person who is always strong on these issues. For him to today get up in this House and raise all these technical reasons as to why this bill should not move ahead is just absolutely shameful. I think his constituents should clearly understand where this guy really is coming from.

I want to raise another issue. It goes back to last year's election campaign. Unfortunately in that campaign a media release came out from the Conservative Party which insinuated or implied that Liberals and the Prime Minister were supportive of child pornography. I disagreed with the headline of that media release, but I think that once we take away the headline and read the text of the news release, the shoe definitely fits this Liberal government. It fits this Prime Minister.

This is not the first time that this type of motion has been before the House of Commons. What is the Prime Minister's voting record on this issue? What is the voting record of most of these Liberal members on this issue? They vote against changing the age from 14 to 16. They say that it is too complicated and we are oversimplifying things.

The Liberals supported an NDP budget bill. They just poured \$4.6 billion into four nameless programs with no systems or plans for delivery and so on. With the stroke of a pen they just said that they would shell out \$4.6 billion on those four programs and figure it out later. They said not to worry about technicalities or complications. However, what about giving parents like the people I am talking about the power to protect their children? What about giving the police that kind of power? I am inviting the Liberals to do the right thing here for once.

• (1140)

This has not been a good spring for anybody. This is one issue I think where right-minded people could get together, do the right thing and help our parents, our young people, our police, our society, our prosecutors and a whole lot more in our society.

We could get away from this neo-Liberal agenda of undermining family institutions and in society. That is the real hidden agenda in our country. It is the neo-Liberal agenda that is undermining our traditions, our long-standing institutions, our families, our police, our parents and our children in our society. That is the danger in our society.

Once Liberals have finished with the marriage bill, then who knows what the next thing is. They probably will go after our churches and take away their tax exemption status. They may even outlaw freedom of speech in those churches, if it has not done that already.

*Private Members' Business*

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, I rise today to join the debate on Motion No. 221, which proposes to restrict sexual activity between adolescents and adults by amending the Criminal Code to raise the age of consent to sexual activity from 14 to 16 years of age.

We all recognize the importance of providing increased protection to youth against sexual exploitation or predatory conduct. However, I do not believe that Motion No. 221 can meaningfully and effectively achieve this objective.

The government's approach to this issue, very seriously reflected in Bill C-2, protection of children and other vulnerable persons, is more comprehensive, more effective and far more responsive to this serious issue. While Motion No. 221 proposes raising the age at which a young person can consent to be exploited, the government's position is clear. We do not accept that young persons can ever consent to being exploited.

Bill C-2 proposes to provide all youth between 14 and 18, not just 14 and 15-year-olds, with enhanced protection against sexual exploitation through the creation of a new prohibition. The new prohibition would require the courts to infer that a relationship with a young person is exploitative of that a young person by looking to the nature and circumstances of that relationship.

The bill would require the court to consider specific indicators of exploitation of each young person, including the age of the young person, any difference in age between the young person and the other person, the evolution of the relationship and the degree of control or influence exerted over the young person.

A number of reasons have been cited in support of Motion No. 221 for raising the age of consent. For example, young persons need to be better protected against being lured for a sexual purpose of the Internet. The Criminal Code was amended in 2002 for exactly that: to create a new prohibition against the use of the Internet to lure a child for the purpose of committing a sexual offence against that child.

The proposed new prohibition against sexual exploitation in Bill C-2 will further strengthen this protection. It directs the court to specifically consider the evolution of the relationship, which could include, for example, whether it evolved secretly over the Internet.

Another reason cited in support of raising the age of consent from 14 to 16 years of age for non-predatory or non-exploitative sexual activity is that it would better protect these youth against being recruited into the sex trade or prostitution related activities.

This is difficult to understand because the age of consent for exploitative sexual conduct, including for prostitution, is already 18 years of age. I do not see how raising the age of consent for non-exploitative conduct from 14 to 16 years can better protect youth in this regard. Moreover, not only is the age of this conduct already 18 years, but the existing penalty for this type of conduct is very significant. Under subsection 212(2.1) of the Criminal Code, anyone who uses force or the threat of force to coerce a young person into prostitution faces a mandatory minimum penalty of five years imprisonment, up to a maximum penalty of 14 years imprisonment.

Another reason given in support of Motion No. 221 is that 14 and 15 year olds are too immature to make informed choices about whether to engage in sexual activity and with whom they should engage in such activity.

Consider how the existing criminal law treats and recognizes the developing maturity and capacity of young persons. The age of criminal responsibility is 12 years. The age at which a young person may be subject to an adult sentence for committing a serious violent offence is 14 years. The age of consent to non-exploitative sexual activity is 14 years. The age of consent to exploitative or predatory sexual activity is 18 years.

While it is true that society uses other non-criminal measures to regulate other aspects of the conduct young persons, it would be completely inept to compare, for example, the regulation of when a young person is allowed to drive a car to the criminalization of a young person's engagement in consensual, non-exploitative sexual activity.

I am sure there are many views on what age and under what circumstances young persons should engage in sexual activity. The fact is young persons do engage in sexual activity. On May 3, Statistics Canada's publication, *The Daily*, reported that by the age of 14 or 15, about 13% of Canadian adolescents have had sexual intercourse. The figure for boys and girls was similar, 12% and 13% respectively. Presumably, they are engaging in other forms of sexual activity at an even earlier age.

How should we respond to this? I believe we should be responding strongly through education, by providing more and better sex education and counselling to young persons to discourage this behaviour. This is far more realistic and has greater potential to protect our young people. We should respond to this by criminalizing those persons who seek out and exploit young persons instead of criminalizing young persons themselves for engaging in sexual activity.

Motion No. 221 focuses on the conduct of the young person. It focuses on their consent to be sexually exploited and it ignores the reality that young persons do engage in sexual activity, from kissing to sexual intercourse. Motion No. 221 would criminalize such typical consensual sexual activity between a 15 and a half year old boy and 16 or 17 year old girlfriend.

● (1145)

As I said at the outset, although I strongly support the objective of providing increased protection to youth against sexual exploitation, I do not support Motion No. 221 because it does not achieve this objective. The bottom line is that Bill C-2 is comprehensive and goes further to protect our young people.

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I was not intending to speak today, but listening to the debate has triggered a response in my heart that says I should be getting up to say a few things.

*Private Members' Business*

I am very concerned about what is happening in our country with respect to our young people. As members know, I worked for many years as an instructor at the college level. I have had many involvements with young people and children over the years in my capacity as a volunteer as well as a professional. It is absolutely necessary for us to give careful consideration to what we do in this Parliament because it affects the well-being of our children and families in the future.

I want to commend my colleague for putting forward the motion. It addresses an issue which the Liberal government is continually ignoring. It keeps whitewashing the solutions, saying that it will solve the problems. It keeps skirting the issue, not getting down to it.

The motion my colleague has put forward addresses the issue of adults having sexual activity with children, with young people. The Liberals are missing the point on this. They keep coming up with these specious arguments, such as it is going to make it criminal if a 14 year old kisses a 15 year old. This is not about that. This is about adults abusing and attacking our young people, our children. It simply and plainly should not happen.

However, as we all know, some people in our society, even in Canada, this wonderful country, are not unselfish and they do not look for the best good. They are in fact selfish. They look for ways in which they can gain sexual pleasure from whomever. That is why we have these limp laws on things like prostitution. It is against the law to talk about it but it is not against the law to do it.

My goodness, why are we not going after the men who prey upon these women? Why are we not going after these adults who would sexually abuse our children and our young people? It is atrocious that in this wonderful country of ours, we offer so little protection for our young people and children.

I learned a principle many years ago. I knew about this even before I became a member of Parliament, and that is we cannot pass a law that will make people good. The purpose of the law is to restrain those who are not good, who are evil. The purpose of the law is to stop those people from exploiting our young people and children who do not have a built-in moral compass that prevents them from doing it.

I am appalled having listened to the speeches from the other side. They are speaking against the motion my colleague has put forward, which would strengthen the protection of our young people and children. It is particularly important because most of the young people who are exploited are young women.

The Liberals over there are always talking about women's rights and equality. They say they are all for it. However, in this case they are totally ignoring young women who are, for the most part, the victims of this exploitation. They are just children at that stage. They need the protection of the law. They need to have some restraint on those people who would use and abuse these beautiful young girls. What a shame we are permitting this to happen in our country.

• (1150)

Every once in a while we get accused on this side of being angry. I was thinking about that the other day. It was in the media again that

we Conservatives were always angry. I contend just the opposite. I believe in happiness, joy and fulfilment, but I believe in it for others as well. Therefore, when I express what could be construed as anger, it is a justifiable righteous anger against that which is inherently wrong. I will not apologize for that.

We need to have people who stand up for what is right and against what is wrong. I will be one of those people. I have tried to be that in my years as a member of Parliament and certainly in all my years before that as a father, a grandfather, an instructor and as a leader of young people in different organizations.

I contend that we need to support the member's motion to send a message that is unequivocal to some 40-year-old who would exploit one of our young people for his own sexual pleasure. I cannot wrap my head around that. Where have we gone in our society?

As I said at the beginning of my speech, I am speaking extemporaneously. I do not have a prepared speech because I did not get my staff to do a lot of research. However, I remember a few years ago when an adult from the United States came up to either New Brunswick or Nova Scotia and lured a girl he had met on the Internet. He got her to a motel and had sex with her. Because she was 14, the 40-year-old walked away scot-free. He was able to persuade her that she wanted to do it. That is why she went to the motel with him.

A 40-year-old enticed a 14-year-old and he walked free in Canada. If that same man would have done what he did in his own home state, he would have been in jail. We should not have let him out of the country until he had served about 50 years for that atrocious deed.

I cannot emphasize strongly enough that the Liberals are wimps. It is time we stand up and protect our young people and our children.

I urge the members opposite not to just read the speeches that are brought to them from the minister's department. The minister has shown over and over again that he has absolutely no understanding of the real world. The departmental officials who are writing these speeches ought to hang their heads in shame as well, as much as the members who are willing to stand up and read them without thought and without any personal convictions on the matter.

I have much more to say but my time is up. I urge members to support the motion. It is worthy. It is in the right direction. It may not be perfect, but if we were to wait for something to be perfect, we would never support a Liberal bill.

• (1155)

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Speaker, I wish to thank all members who participated in the debate on my private member's Motion No. 221. I appreciate their support and contributions made during the debate.

It is clear that Canada must raise the age of consent from 14 years to at least 16 years of age. Most western democracies already have an age of consent of 16 years or older. In Denmark, France and Sweden the age of consent is 15 years. In Australia, Finland, Germany, Holland, Israel, New Zealand, Norway and the United Kingdom it is 16 years. In the American states the age of consent is 18 years.

### *Government Orders*

Everyone can see that what I am proposing today is not out of the ordinary. What is out of the ordinary is our current law which allows mature adults to have sexual relations with small children. A 14-year-old cannot vote or legally drive a car, drink alcohol or even buy cigarettes. Certain public TV programs are deemed not suitable for 14-year-olds to watch, but they can have sex with an adult. It is unbelievable.

Pregnancy, sexually transmitted diseases, including AIDS, and sexual, physical and emotional abuse caused by their adult sexual partners will haunt these children for the rest of their lives. By keeping the age of consent at 14, this weak Liberal government is failing to protect our teens. Every province supports raising the age of consent, as do 80% of Canadians. It is time for the House to join them in their support.

The age of consent law is one of the laws that people really cannot believe is still on our books. In Canada people cannot have naked pictures of 14-year-olds on their computers because it is child pornography and they can be prosecuted for it, but a 50-year-old man can have sex with a 14-year-old and it is legal. That is nonsense.

On top of that, this arrogant Liberal government resists. A common concern raised throughout the debate on Motion No. 221 is that it may criminalize sexual activity among peers. For instance, the member for Charlesbourg—Haute-Saint-Charles said during the first hour of debate on May 19 that such an amendment would enable the courts to try a 16-year-old for having sexual contact of any kind with his 15-year-old girlfriend. Similar concerns were raised by the members for Esquimalt—Juan de Fuca, Northumberland—Quinte West, and Scarborough—Rouge River.

I foresaw this concern. It is the same concern that has been raised over and over again whenever the topic of raising the age of consent has been discussed. As I said during my opening speech, however, there is an easy solution. Changes to the law can contain provisions that will protect young people from being unfairly prosecuted for adolescent romance.

We can easily establish a peer exemption for sexually active younger teens. There is already an exemption in the Criminal Code that allows 12 to 14 year olds to engage in sexual intercourse with one another as long as there is less than two years' difference in their ages. Why could a similar exemption not be written into the law for older teens? In other jurisdictions around the world this is the case. For example, in Tennessee where the age of consent is 18, there is a peer exemption for partners within four years of age of one another. Obviously, this can be done in Canada. All it takes is the political will to do so.

It is obvious that the Liberals are not willing to protect children from child predators and are hiding behind a false pretext or excuse. That is shameful. All parents of young children must remember that when they vote.

In conclusion, I wish to thank everyone for participating in this debate. I express my hope that all members will vote in favour of Motion No. 221.

● (1200)

**The Acting Speaker (Mr. Marcel Proulx):** The time provided for debate has expired. Accordingly, the question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Marcel Proulx):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Marcel Proulx):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Marcel Proulx):** In my opinion the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Marcel Proulx):** Pursuant to Standing Order 93 the division stands deferred until Wednesday, June 29, immediately before the time provided for private members' business.

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## GOVERNMENT ORDERS

### CIVIL MARRIAGE ACT

The House proceeded to the consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes, as reported (with amendments) from the committee.

[*English*]

#### SPEAKER'S RULING

**The Speaker:** There are 11 motions in amendment standing on the notice paper for the report stage of Bill C-38.

Before I address the issues relating to the selection and grouping of these motions for debate, I would like to mention that I have received several submissions pertaining to the admissibility of motions submitted for report stage. These motions of course are not printed on the notice paper and are returned in confidence to the author with reasons why they are procedurally inadmissible. I must state that this has been the normal practice of the House since 1994 when the Standing Orders were amended to provide that only those motions which are considered admissible by the Speaker are to be printed on the notice paper.

[*Translation*]

It is extraordinary for the Speaker to address admissibility issues in the House. Standing Order 76.1(2) states: "If the Speaker decides that an amendment is out of order, it shall be returned to the Member without having appeared on the Notice Paper."

*Government Orders**[English]*

In this instance, the Chair will take certain liberties and explain the three basic reasons why certain report stage motions for Bill C-38 are inadmissible and have been returned to their sponsors.

First, a preamble to a bill can only be amended if it is made necessary due to an amendment to a clause of a bill, or for reasons of clarification. That is why, for example, preambles are considered at the end of clause by clause examination of the bill by the committee.

Second, an amendment to a bill cannot modify a statute or a section of a statute which is not contained in the bill. This is commonly known as the parent act rule. Its primary purpose is to keep amendments focused to the precise provision of the act which is being modified by the bill.

Third, amendments to the clauses of a bill after second reading must respect the scope of the bill, as “Amending Bills at Committee and Report Stages” states on page 5, “The scope of a bill means the schemes or ways by which the principles of the bill are achieved”. Thus, all amendments must fit within the four corners of the bill to be admissible. They cannot import matters which are not addressed in the bill. They can only refine what is already there.

Regrettably, many report stage motions address matters which are considered beyond the scope of the bill and hence are inadmissible. Many of these procedural issues also arose in committee and were ruled upon by the chair of the legislative committee, the Deputy Chair of Committees of the Whole House.

The Chair understands the concerns of members but assures them that the amendments judged to be inadmissible were given close attention and that decisions were exercised based on well-established rules and precedents.

*[Translation]*

Now, I will proceed with my ruling on the selection and grouping of motions for report stage of Bill C-38.

Motion No. 6 will not be selected by the Chair as it was defeated in committee. Motions Nos. 7, 9 and 11 will not be selected by the Chair as they could have been presented in committee.

*[English]*

All remaining motions have been examined and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76.1(5) regarding the selection of motions in amendment at the report stage. The motions will be grouped for debate as follows:

- (1205)

*[Translation]*

Group No. 1 will include Motions Nos. 1 to 3, 8 and 10. Group No. 2 will include Motions Nos. 4 and 5.

The voting patterns for the motions within each group are available at the Table. The Chair will remind the House of each pattern at the time of voting.

*[English]*

I shall now propose Motions Nos. 1 to 3, 8 and 10 in Group No. 1 to the House.

## MOTIONS IN AMENDMENT

**Mr. Jason Kenney (Calgary Southeast, CPC)** moved:

Motion No. 1

That Bill C-38 be amended by deleting Clause 1.

Motion No. 2

That Bill C-38 be amended by deleting Clause 2.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC)** moved:

Motion No. 8

That Bill C-38 be amended by deleting Clause 7.

Motion No. 10

That Bill C-38 be amended by deleting Clause 15.

**The Speaker:** On Motion No. 3, the mover is not here so we are unable to proceed with that motion.

**Mr. Paul Szabo:** Mr. Speaker, I would like to seek the unanimous consent of the House to move Motion No. 3 in lieu of the member for Scarborough Southwest.

**The Speaker:** Is there unanimous consent to permit the hon. member to move the motion?

**Some hon. members:** Agreed.

**Mr. Paul Szabo (for Mr. Tom Wappel)** moved:

Motion No. 3

That Bill C-38 be amended by deleting Clause 3.

**Mr. Jason Kenney (Calgary Southeast, CPC):** Mr. Speaker, it is my pleasure to rise as the first speaker at report stage of Bill C-38, a bill which I believe is not in the best interests of Canada, Canadian citizens or Canadian families. That is why I was pleased to furnish certain amendments to change aspects of this bill to which many Canadians object.

As we know, what this bill seeks to do is to change the meaning of marriage. I think it is important at the outset of any intervention on this bill that we remind ourselves of the unprecedented nature of this bill in the historical and legal context.

Through all recorded human history, in every civilization, in every culture, in every religious tradition, in every secular tradition, in every legal and political tradition, marriage has been understood universally and without exception to mean a committed lifetime sanctified relationship between a man and a woman. There have been cultures that have accepted polygamist relationships—thankfully not in Canada today, at least not legally—but the sociological and anthropological evidence which has been presented before Parliament, and indeed which had been presented by the government to the courts when this matter was being litigated is unanimous, that marriage has always been understood by its nature and its essence to constitute a heterosexual union.

*Government Orders*

It is equally important at the outset to state yet once more for the record that the ontological meaning of marriage as a heterosexual union, which is by its nature therefore open to the transmission of life and culture, does in no way constitute unjust discrimination against those who seek recognition for unions in non-traditional relationships.

Indeed in Canada today, in every province, there are social benefits provided to people who live in non-marital unions, people of the same gender, people of opposite genders who do not live in a marital relationship. There is no legal prohibition. There is no legal sanction. There is no cultural opprobrium attached to that kind of relationship. There is no denial of benefits attached to those non-traditional relationships.

What this bill seeks to do, unique in all of human history, is to change the meaning of marriage, not to just change its definition, but to change its essential meaning. The motions which stand in the House in my name today are predicated on this belief. I submit that this Parliament does not have the power to change the meaning of essential social institutions which predate this Parliament itself. Marriage predates the Canadian state. It predates the modern state itself. It is a natural institution.

I submit that it is a dangerous moment from a libertarian point of view when the state, through a bill such as this, seeks to intervene into an institution which belongs to civil society, not to the sphere of the state, to change the meaning of something which is natural and ontological, which is not a toy, a plastic entity that the state can play with and change its meaning as it pleases.

I think this represents a fundamental misunderstanding about the appropriate limits of power of the modern state. I would further submit that this is widely understood by Canadians. There is really no contest that the consensus among public opinion polling reflects that some two-thirds of Canadians are opposed to changing the meaning of marriage in law.

• (1210)

A majority of Canadians oppose unjust discrimination on the grounds of sexual orientation, and rightfully so. A majority of Canadians support the provision of benefits on grounds such as domestic partnership relationships, which are grounded on unions of economic dependency rather than relationships of a mere conjugal nature, and yet still two-thirds of Canadians, from every culture that exists in this country, from every corner of the globe who have come to this country to build a future for themselves and their families, recognize that marriage is, as the Supreme Court said the last time it spoke to this issue in the Egan case in 1995, “by nature a heterosexual institution”.

It recognized what the 1949 Universal Declaration of Human Rights recognized, which is the right for a man and a woman to marry. Two-thirds of Canadians recognize what the European Convention on Human Rights recognizes, that there is a right for “a man and a woman to marry”. These two-thirds of Canadians recognize what the Organization of American States covenant on human rights recognizes, which is that men and women have a right to marry.

These two-thirds of Canadians, who we represent here today, believe what the United Nations Commission on Human Rights ruled, which is that it is in no way a violation of human or civil rights to recognize that marriage constitutes a union between a man and a woman.

These two-thirds of Canadians recognize what the Supreme Court of Canada said on this matter when it last ruled in 1995 on the constitutionality of the definition of heterosexual marriage, when Judge LaForme said that marriage was “by its nature a union between a man and a woman”.

I submit that these two-thirds of Canadians are in the broad mainstream of public and political opinion of historical precedent and legal practice in this and in every other country of the world, which is why I submit that we should stop and pause before rushing in to adopt the bill, overriding the consensus of history and the consensus of the Canadian people, which represent very important values that we ought not to undermine without very serious forethought.

I therefore put these motions forward. The first seeks to delete clause 1 of the bill. As I have said, there is no foundation in law, practice, tradition or history for a distinction between civil as opposed to any other kind of marriage, including religious marriage. I further believe that the title of the bill could mislead and confuse Canadians. The bill attempts to redefine the definition of marriage for all purposes to the extent that could be done by the Parliament of Canada. Because I believe Parliament is attempting to redefine in a fundamental way the capacity of persons who have had no such capacity in the past to marry, I therefore submit that the act is simply misnamed.

With respect to my second motion now before the House, it would delete clause 2 which provides that marriage for civil purposes be redefined. This again is a misnomer. In any case, defining marriage as simply the union of any two persons was not dictated by any decision of the Supreme Court of Canada. As I have reminded the House, the last time the courts spoke to this matter it reaffirmed the heterosexual nature of marriage. I submit this because Parliament is not compelled as a matter of law and would be going against the opinions and views of a clear majority of Canadians by so redefining the institution of marriage.

With respect to clause 8 in the name of my colleague from Saskatoon—Wanuskewin, it would amend the bill by deleting clause 7, which would delete the Merchant Navy Veteran and Civilian War-related Benefits Act. This section of the act deals with the allocation of pensions. Bill C-38 does not replace this section of the act with a new clause. The committee heard no discussion about the impact of deleting this clause on the allocation of these pensions. It therefore begs the question of how the government is planning to protect survivors who currently depend on these pensions.

Finally, with respect to Motion No. 10 in the name of my colleague from Saskatoon—Wanuskewin, it seeks to delete clause 15 which relates to the Modernization of Benefits and Obligations Act and the heading before it. These sections confirm the traditional definition of marriage as it then was in 2000. This is like rewriting history. It is one thing to let legislators make changes but it is another to rewrite history.

*Government Orders*

•(1215)

What we seek to do by deleting Motion No. 10 is restore the clearly stated intent of Parliament in 2000, including the entire cabinet and some 90% of the Liberal government at the time who voted into law the preamble to the Modernization of Benefits Act to recognize the essential heterosexual nature of marriage. I ask the government simply to be consistent and not change, without having an electoral mandate, its position on the fundamental question of what marriage means.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, my colleague's speech made a lot of sense and provided a lot of clarity.

Could the member for Calgary West elaborate a bit more on what happened in 1999 when the present government firmly declared that it would never challenge the sanctity of marriage as being between a man and a woman? I wonder if he could talk a bit more about the lack of consistency in 2005.

**Mr. Jason Kenney:** Mr. Speaker, my colleague was not here in 1999 but had she been so she would have been witness to a debate on a motion brought forward by a member to reaffirm the House of Commons understanding that marriage constituted a union between one man and one woman to the exclusion of all others and that all necessary means be used to protect this definition in law.

The reason the motion came to the House was because of various court decisions that began to cause serious doubt about the intention of the courts to maintain respect for the common law understanding of marriage.

Parliament, never having actually used its constitutional responsibility under section 93 to define in statute the definition of marriage, has always simply respected the common law heterosexual understanding of marriage. Following the debate in 1999, Parliament decided overwhelmingly, by a vote of 240 to 50-some, to retain the traditional definition of marriage.

At the time, the current right hon. Prime Minister voted in favour of maintaining the traditional definition of marriage and using all legal means necessary to maintain it. The current Deputy Prime Minister, who at the time was the minister of justice, stood in this place and said that the government had no intention whatsoever of ever seeking to change the definition. She went out of her way to assure Canadians that even the suggestion that there might be such an agenda in the future was ridiculous and irresponsible. Accordingly, I believe that something like 90% of the Liberal members of Parliament at the time stood in their places and voted to preserve the traditional definition of marriage.

I would remind my colleague that this was just a few months before an election. Those members were apparently unwilling to reveal their hidden agenda at the time, which was to support a change in the definition of marriage. We see the same thing before us here today.

The reason we are now sitting beyond the scheduled date of Parliament for the first time since 1988 and, I believe, the second time in post-war history, is that members opposite are terrified of facing the verdict of Canadians on their hidden agenda to change the meaning of marriage. They have recalled us to this place to try to jamb this bill through so they do not have to face their constituents

on this matter in the summer or in the next election. They want to say that the matter has been dealt with and is behind us.

I put those members on notice that even if Bill C-38 should pass, this debate will continue in Canadian society because the majority of Canadians will not accept the state taking over a fundamental institution of civil society and changing its essential meaning without public consensus.

•(1220)

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Mr. Speaker, I come to this debate today with a sense of sadness in my heart because I never thought it would come to this, at least not so soon.

I also come with a sense of sadness because I have children and three grandchildren. I anticipate that I will have great-grandchildren hopefully before I pass off this earthly scene. Because of that and because of the ill-thought through and ill-advised move that is being made in these days, I think it will have a very serious effect on our society, as it has already been proven in Scandinavia and other countries like that.

I, like many others on this side of the House, and our party, the Conservative Party, am grateful that in some of the other parties there are a few individuals who hold as well that the natural law, the superseding law that actually over the course of many years down through history has been the matter of a heterosexual union, a man and woman, an opposite gender definition of marriage to the exclusion of all others.

We need that within in our society because it builds a bond between those two people and then children come into that union. Also we state "to the exclusion of all others" because there is nothing like unfaithfulness to one's spouse or to one's partner that will break that marriage down and destroy that union to the detriment of those individuals, to the detriment of the children and of course society at large.

Marriage and the family based on marriage are basic fundamental institutions of society. We should not change these kinds of foundations lightly. We should not be doing it in the manner that we are in these last months.

I do not believe the government has demonstrated that there are compelling reasons to alter this central social institution.

My colleague who just spoke well made the point that there are other ways to address this issue and yet the the Liberal government, that insists on a wonderful Canadian virtue of tolerance and working things out in an amicable manner, has ignored that in a very divisive way. When it could have addressed this issue in a rather different manner, it has chosen to take the most divisive manner possible and drive a wedge right down the very middle of Canadian society with a great deal of vigour.

*Government Orders*

One of the major purposes of marriage has been to provide a stable environment for the procreation and raising of children. That does not mean that other relationships are not loving and valuable. Often in the definition of marriage people will say that they have some of the earmarks of marriage. That may be true to a point but it does not include that one fundamental purpose of marriage relationships, of a bond of a man and a woman coming together in terms of the next generation, the procreative element. There is no possible way in the same gender, a same sex relationship, that procreation can occur. The fruit of that union does not come as a result of anything other than an opposite gender definition.

We believe as well that the institution of marriage has as one of its goals the nurturing of children in the care of a mother and a father and the right of every child to know and to be known by their mother and father.

We have often heard of those great anguishes, struggles and journeys of individuals who were adopted to find out who that mother and father were; who were the individuals who procreated them, the biological ones who brought them into being.

If we change the definition of marriage to end the opposite sex marriage requirement we will be saying that the goal of marriage is no longer important.

I guess that is why it leaves me with a great sense of sadness, disappointment and discouragement at this juncture and at this point in history insofar as the law is a teacher. Ancient texts have said that the law is a teacher. It teaches us what is good, what is not so good and those things that are to be exalted, uplifted, encouraged, reinforced and, in this case, one way or the other, for good or for bad, the law will be a teacher again.

What kind of message will it send to our children and to our young people as they are coming up to that age of marriage? is it that a one night stand, a two week shack up or a six week living together kind of thing is equivalent in every respect as individuals coming before witnesses, family and others, before God and committing themselves to one another until death do them part, for life?

• (1225)

What kind of a message do we send to people who might be in the galleries today and our young pages here? What kind of a message do we send to them about the importance of the institution of marriage?

We know the answer to that. In some of those Scandinavian countries, we have already seen the very devastating impact that there has been to marriage. There has been less marriage. There are less children coming about as a result of marriage. There are more children born to single parent situations, where individuals, while remarkable, are taking care of those children 24/7.

The central question that we are wrestling with is whether marriage is still connected to this potential to have and raise children, and to provide a stable environment for those children, or whether it is simply connected with the personal needs of two adults in a close relationship.

We know from untold documentation and research to no end that, and it is there for anybody who would care to look at it, children who

are in heterosexual married, intact family relationships do better. There are a great deal more problems with alcohol abuse, drug abuse, and in not doing so well in the schooling system and other things such as criminal involvement. The studies have been done. I do not need to say that. There will of course be individuals who will torque that and twist that comment. If they were to simply look seriously at the research that is there, they would find that demonstrated in spades.

We are coming to the point where if Bill C-38 were to pass, there would be an emphasis on an adult relationship. Instead of marriage being that which takes on responsibilities and provides for children, "it's all be about adult relationships, about me and myself as an individual and the pleasure I get in this union".

I get a great deal of pleasure in the relationship and union with my wife. She has been a faithful companion to me for some 29 years now. It is beyond that. It is more than that. It is about the children that have come into the world by way of our union and the responsibility that we have to them. It is not just about adults. It is not just about two individuals. It is about the offspring and the progeny as well.

Margaret Somerville, the ethicist at McGill University, makes this point very eloquently in the recent book *Divorcing Marriage: Unveiling the Dangers in Canada's New Social Experiment*, an excellent book. I have it on my desk and it is a book that I recommend for anyone to read. There are some excellent essays there. Dr. Somerville says:

The crucial question is: should marriage be primarily a child-centred institution or an adult-centred one? The answer will decide who takes priority when there is an irreconcilable conflict between the interests of a child and the claims of adults. Those who believe that children need and have a right to both a mother and a father, preferably their own biological parents, oppose same sex marriage because...it would mean that marriage could not continue to institutionalize and symbolize the inherently procreative capacity between the partners; that is, it could not be primarily child centred. In short...accepting same sex marriage...means abolishing the norm—the accepted value—that children...have a prima facie right to know and be reared within their own biological family by their father and mother. Carefully restricted, governed, and justified exceptions to this norm, such as adoption, are essential. But abolishing the norm would have a far-reaching impact.

That is probably the most central reason why we need to be concerned about society and the impact on society down the road. The birth rate has seriously declined as it is. Then, more importantly, when we have children born in other kinds of relationships and not cared for through a lifetime and supported through at least some two decades of growing up years, then it begins to have an effect on society in terms of the social cost, the justice cost, the cost on education and health and so on.

We still have that standing on the record in this country. It has been upheld by the Supreme Court of Canada. In fact, the Supreme Court of Canada has not even yet ruled that traditional marriage is unconstitutional in any way. It has not come to that point. Dare I say that if the court was tested on that, it may well not either.

*Government Orders*

I note the fact that whether this law passes in its present form or not, there is a higher law. There is a natural law. We can say black is white and we can say white is black. We can twist it how we want in terms of federal, provincial, or municipal laws. At the ultimate end of the day there is a higher natural law that says traditional heterosexual marriage, the opposite gender union, is what constitutes marriage and will continue over time down the road.

• (1230)

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I listened carefully to the comments of my colleague from Saskatchewan in reference to the issue of marriage. I know that he has been a strong advocate and supporter of the present definition of marriage, and certainly would not like to see anything happen to this wonderful institution.

There is no question that for this issue to be decided in the House at this time and being rapidly pushed through is doing an injustice to the Canadian public. The Canadian public should have a much more prominent position on the stage when it comes to deciding what is to happen here.

It does not matter what our views are on the issue, the public should be considered in the debate, and it is not. It should be a very healthy debate because we are actually proposing fundamental changes to the whole institution of marriage that we have known as the union of a man and a woman for hundreds of years. That will obviously not happen.

I do not understand the process on the other side, which talks about a democratic process to decide the issue. The Prime Minister and the justice minister are convinced that the legislation is about human rights, about the charter of rights. If they have decided that, why is it that the Prime Minister is not allowing his caucus, especially the frontbenches, to vote freely on this matter?

**Mr. Maurice Vellacott:** Mr. Speaker, I have puzzled hard and long over the issue of why the Liberal government insists on driving and pushing this issue when it had created such a turmoil in society. We know that the more debate that has gone on and the more discussion that has occurred, the polls have begun to tip more in terms of 60% being opposed to it. If there are other possibilities in the mix or other modifications, it rises to even higher than that.

The Canadian public says that there is a different way to handle it. It should be done differently. I can speculate, but I do not know if I have the right answers in terms of why the Liberals intend to drive this divisive thing down on society and why they insist on wanting it. It was not being asked for.

The Attorney General of Canada, whose role it is to uphold the laws of this land, has thrown out case after case. It has not been vigorously challenged in the lower courts. Certainly, that is a good question to ask.

I cannot speculate what is in the hearts of individuals who are pushing this issue and ramming it forward because it is not a human right. None of the international courts have said that. There are different and other ways to accommodate some of that, but certainly it is without precedent. It is reprehensible, a word I am permitted to use in this place, in terms of the Prime Minister not allowing and attempting to bind the conscience of his own members.

Some have said that we cannot really bind the conscience of somebody else. They can do what they want. However, when we bring the kinds of pressures, inducements and offers to individuals, it is tremendous pressure. Thankfully, there are those individuals who stand on principle and have resisted that. They have resisted the siren call and the lure of it. They have stood by their principles and resisted it.

I find it rather appalling and very disturbing in this place that on such a matter, especially a moral issue which most people concede this involves, there would not be a total free vote. There is not and we are all aware that there is a whipped vote in the Liberal Party.

There are those on the government frontbenches, the ministers, who have no choice. They have to, they are forced to, they are obliged to, and they are pressured and induced to vote with the government. I find that really abhorrent, a very sad statement. That would be on the Prime Minister's conscience in terms of the judgment he makes in respect of that and he will live with that. When he is long gone from this place, he will have to look in the mirror and respond to why he actually did that, why he needed to do that when it was not at all required.

• (1235)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I want to address the bill in its totality. This is probably the most important bill that has been addressed by Parliament since I have been here in the last 12 years. I was very disappointed with the bill itself in terms of what it tried to present and what it in fact actually presents.

The bill and the representations of the justice minister have been that all of the protections necessary with regard to religious beliefs and to matters of conscience already exist in the charter. I tend to agree, but if we accept that, then we also accept the preambles which are not operative. In the reprint there is a clause that says "for greater certainty" and in clause 3 it says "it is recognized that". These are declaratory clauses.

The title of the bill is the civil marriage act and that marriage is, for civil purposes, the lawful union of two persons to the exclusion of all others. That is the entire bill. Although there are some consequential amendments to other acts, they are simply reflective of those provisions.

I want to raise this from the standpoint that maybe the public is somewhat disconcerted about the words that have been used. I suspect, judging by what people have said to me, that the public do not understand what difference between civil marriage and marriage as defined in common law before the changes from the Halpern decision.

We also have a Marriage Act. One of the things that most Canadians would probably be surprised to know is that marriage is not defined in the laws of Canada today. It is a matter of definition in the common law. In fact, when the bill was before Parliament to deal with the extension of benefits to gay and lesbian persons, all of the references and inclusions of the definition of marriage were deleted from all existing legislation. There was, however, a preamble to that bill, which basically said that nothing in this bill takes away from the fact that marriage is the union of one man and one woman to the exclusion of all others.

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The Supreme Court of Canada, in its decision with regard to the reference of the four questions, said something in what I believe was section 60 that was quite disturbing to many. It said, and I will paraphrase it, that in the absence of unique circumstances of which we will not speculate, the right for religious persons or persons of religious groups to deny marriage to same sex persons will be protected.

It is kind of an ominous statement to suggest that something might come up. One of the reasons for report stage motions is an effort to draw the line in the sand that deals with the protections of matters related to conscience and religious beliefs under section 2(a) of the charter.

In the legislative committee that dealt with Bill C-38 there was one additional clause. It was a declarative clause and I will read it into the record. It was an important achievement of those on the committee who felt it was necessary to identify for Canadians that there was a strong view of Parliament included in the bill. It states:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

● (1240)

That is the legalese, but it basically says that under section 2(a) of the charter those who continue to express their conscience or religious belief with regard to marriage are not at risk.

However, there is this case of the statement within the Supreme Court response to the reference of the four questions, which raises the spectre that this may very well come back, and I have no doubt it will. The question will come back in the form of, "I was born into this church, I have been in this church all of my life and the church has no right to deny my right to be married in my church". The matter will come before the courts.

It is extremely important for all hon. members, regardless of their position on the definition of marriage, to ensure they have on the record that it is the will of Parliament to ensure that matters of conscience and religious beliefs shall not be challenged or trumped by the equality provisions under section 2(a) of the charter.

One of the previous speakers talked about human rights and the UN Declaration of Universal Human Rights wherein the definition of marriage was sustained. When we talk about the equality provision under the charter and the concern that it would be trumped, the fact is even should Bill C-38 pass, persons of religious groups could refuse to marry same sex persons. That means the equality provisions of the charter are in conflict and will be in conflict. There is not true equality here. The equality is subject to and provides the opportunity for those who, because of matters of conscience or religious beliefs, choose not to perform marriages of same sex persons.

I would have wished the representations with regard to the bill could have been clearer. Unfortunately, some of the debate has been skewed into some other areas. Quite frankly, I think the starting point for all who have heard the debate in this place must very well be to

ask the question, what is the point at which we abandon all the fundamental basic institutions of our society? I cannot think of any institution other than the institution of marriage which is more fundamental to a strong Canada and to a vibrant society. Society exists and sustains itself because of the family and marriage. Without that, society as we know it would cease to exist.

I hope that other members will participate in the debate to ensure our commitment to Canadians that matters of conscience and religious beliefs as protected under section 2(a) of the charter will never be challenged by the argument on the equality issue.

● (1245)

**Mr. Art Hanger (Calgary Northeast, CPC):** Madam Speaker, I listened to the member across the way carefully. I think one should listen to him carefully because he is very consistent in his position.

He talked about the lack of clarity in Bill C-38. The member was in the House in 1999 when the Prime Minister made a pledge to take all necessary steps to preserve the definition of marriage. The Deputy Prime Minister, the Minister of Citizenship and Immigration and the House leader, all voted in favour of that motion. Now the member is talking about a lack of clarity. I thought it was very clear what members on that side of the House would do. What happened?

**Mr. Paul Szabo:** Madam Speaker, there certainly was a clarity back in 1999. My clarity concern was with regard to Bill C-38. The member is not talking about that.

In Bill C-38 we have a series of whereas which tend to tell a story. However, the court basically said in its decision on the four questions and specifically mentioned the definition of marriage did not appear in any federal statute. Yet it was in the preamble of the benefits improvement bill. The Supreme Court has used that against the position on Bill C-38.

I only raise it from the standpoint, for the member's interest, that if we were to take out all the whereas clauses, which have no force in law, and if we were to take out the others, what we would be left with is marriage is the union of any two persons to the exclusion of all others with no defining characteristics whatsoever. This is the fundamental flaw of the bill.

Marriage no longer has any defining characteristics. Marriage was trashed by the Halpern decision in which it basically said that children could exist in a relationship through adoption, through a previous marriage or through reproductive technologies et cetera.

Since when does the exception make the rule? Marriage is a founding institution of society. It is a fundamental institution. It contemplates family and children. The tragedy of the bill is that children have not been the issue of debate and they should have been.

**Mr. Gary Goodyear (Cambridge, CPC):** Madam Speaker, I have sat in the House and watched the member get up and profess to have made a certain decision on this issue. Yet when opportunities presented themselves to vote the bill down through political maneuvering, in which the Liberal Party is the well known strategist when it comes from behind with the dirty deeds, the gentleman did not put his money where his mouth is.

Why has the Liberal Party chosen to dictate the direction of the morality of the country? I think on page 85 of the youth Liberal policy platform, who are the up and coming leaders in the Liberal Party, the intention is to legalize prostitution next.

This morning we discussed raising the sexual consent to 16. However, the Liberals did not think that is necessary. Let us leave it at 14. Perhaps in a couple of years it will be 12 or 8. I wonder if we will legalize prostitution if 14-year-old prostitutes are legal.

The member conveniently speaks against homosexual marriage but does nothing about it.

What about the religious freedom of the cabinet ministers in the Liberal Party who are not allowed to vote their conscience when it comes to this? Frankly, I heard one of the ministers opposite tell the Catholic community to sit down and shut up. Guess what? The position I hear from the member opposite is empty and it means nothing. Quit wasting our time, let us move on.

• (1250)

**Mr. Paul Szabo:** Madam Speaker, I have always defended the family and marriage and I will continue to do so. I will vote against Bill C-38. I wish I had a chance to answer the rest of the member's questions, but he very much has the wrong idea of what the facts are.

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, it is an honour to rise today to speak to the House with respect to the report that has been received from the legislative committee on Bill C-38, being the civil marriage act.

The question of ensuring equal access to civil marriage for same sex couples is one that has engaged large numbers of Canadians, in particular Canadians of religious faith, as marriage is a religious sacrament to many, beyond a civil ceremony with legal consequences. As a result, many groups and individuals in our society have thought seriously about this issue and have important contributions to make to the debate.

[Translation]

A good number of them were prepared to take the time and make the necessary effort to present their points of view to the legislative committee and provide written observations.

For four weeks, 12 other members of this House, representing all parties, and I had the privilege of hearing their thoughts on future challenges and their dreams for the future of our great country, as well as their reservations and concerns on all aspects of Bill C-38.

[English]

The bill is a model of citizen engagement in the democratic process and I was honoured to be part of it. Indeed as the Minister of Justice has pointed out, the subject matter of the bill has had more discussion and debate, both here in the House and throughout the land, than almost any other issue.

The committee adopted the testimony and the evidence presented to the previous House committee on justice and human rights, which travelled to some 12 cities, heard over 450 witnesses and received over 300 written submissions and many thousands of e-mails and letters. Between then and now the question has been considered by the courts, of which including provinces and territories we are now at

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9, as well as the Supreme Court of Canada that reviewed the government's draft legislation with the aid of 18 intervenors.

[Translation]

The committee has heard from over 60 witnesses representing a broad range of opinion, who came to Ottawa to share their views and concerns.

[English]

These included religious representatives from the Roman Catholic Church, the Evangelical Fellowship, the Pentecostal Assemblies, the United Church, the Unitarian Church, Sikhs, Jews, Muslims, lawyers representing the Canadian Bar Association, the Barreau du Québec, the Law Commission of Canada and many others, as well as the diverse interest groups such as the Home School Legal Defence Association and the Institute for Canadian Values, academics from the disciplines of law, sociology, political science, psychology and theology, gay and lesbian organizations such as EGALÉ and the Coalition pour la reconnaissance des conjoints et conjointes de même sexe, marriage commissioners from at least three different provinces and representatives of some of Canada's ethnic communities such as the Chinese Canadian National Council. It was a wide and enriching dialogue and members listened very carefully to what was being said by all.

• (1255)

[Translation]

I want the hon. members of this House who did not have the chance to be a part of this dialogue to know that it was marked by respect. All the groups and individuals, and all the political parties, regardless of their views on extending equal access to civil marriage to same sex couples, agreed that gays and lesbians are entitled to the same respect and dignity as any other group of Canadians.

[English]

Indeed, almost all groups and individuals took as a starting place that the equal benefits and responsibilities of married couples should be extended to same sex couples. The debate was over different visions of what that equal respect means in terms of the law.

There has been significant social evolution in Canada in our attitudes toward the importance of full participation for all minorities and specifically in terms of gay and lesbian Canadians. The presentations and discussions at these committee hearings provide strong evidence of that respect.

Many hours of the committee's time were spent in discussion of the wide range of views on the role of marriage in our society. Central to this aspect of the debate is the recognition that civil marriage differs in law from religious marriage. This premise was not always accepted by witnesses, particularly those whose understanding of marriage was anchored entirely within their faith with no recognition of its civil nature. Committee members stressed that the bill would mean that religions would continue to have the ability to marry whomever meets the criteria of their particular religion.

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Yet many of the witnesses to the legislative committee made us increasingly aware of the level of concern over the possible unintended ramifications for religious groups of any changes to civil marriage. David Novak, a Judaic scholar from the University of Toronto, was particularly articulate on this aspect when he explained that when the purpose is seen in the civil context as addressing an injustice—here, the exclusion of a particular group from civil marriage—then axiomatically it appears that the religious groups which choose to preserve the heterosexual definition of marriage are perpetuating that injustice and so could be viewed as “counter-culture”.

[*Translation*]

There are those to whom marriage is a sacrament. Marriage plays an important role in religious beliefs and inevitably is subject to a broad range of opinion. That, in part, is what gave rise to one of the two amendments made to the bill during consideration in committee, which added a new provision to the preamble.

[*English*]

It states:

—it is not against the public interest to hold and publicly express diverse views on marriage;...

The second point I want to emphasize to members of this House is that the focus of the committee was on ensuring that Bill C-38 provides a balance in its two foundational principles, extending equal rights to a minority and ensuring respect for the fundamental guarantee of religious freedom. Within the context of Bill C-38, this meant ensuring the continuing freedom of religious groups and of religious officials to make their own decisions on how to approach marriage within their faiths and beliefs.

This intention to balance these two compelling charter rights and freedoms can be seen in the structure of the bill itself. Its essence is contained in two simple provisions. The first states:

Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.

I stress “civil purposes”.

The second 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.

The intent to balance these two principles can also be seen in the preambles to the bill. Two in particular speak to religious freedom. The first one states:

WHEREAS everyone has the freedom of conscience and religion under section 2 of the Canadian Charter of Rights and Freedoms;...

The second one states:

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;...

The intent to strike a balance so that both rights are fully protected and neither takes precedence over the other can also be seen in the government's decision to first refer draft legislation to the Supreme Court of Canada last year before tabling this bill in the House. The major reason for the government making this reference was to respond to the concerns that religious freedom might be at risk by

ensuring that the highest court in the land agreed with the government's view that religious freedom was already fully protected by the charter.

In response to the concerns of some religious groups and individuals, the government posed the question directly to the Supreme Court:

Does the freedom of religion guaranteed by paragraph 2(a) of the Canadian Charter of Rights and Freedoms protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?

In its response to the reference, the Supreme Court made one of the strongest statements ever on the nature of the charter's guarantee of freedom of religion.

I note that my time is up, but clearly, I believe, the way has been very clear to bring forward this bill and to demonstrate that equality, respect and dignity are a very important part of Canadian life.

● (1300)

**Hon. Rob Nicholson (Niagara Falls, CPC):** Madam Speaker, I listened very carefully to the comments of the hon. Parliamentary Secretary to the Minister of Justice.

I will certainly make the assumption that he is one of the first speakers on behalf of the Liberal Party because of his responsibility in acting in concert with the Minister of Justice, who presumably takes the lead on this as it is within the justice portfolio or the overall responsibility of the Minister of Justice. His parliamentary secretary would, I am sure, be very much involved with the strategy for putting this bill through.

The member talked about what a challenging issue this is, one that touches all members and indeed many Canadians very deeply. In fact, I cannot think of a single question before this Parliament which would so deeply touch the consciences and the beliefs of individual members of Parliament. There are divisions within Canadian society on this. I would suggest that a majority of Canadians probably support the traditional definition of marriage, but nonetheless there are those divisions.

Thus, in any group of individuals brought together, there would be different opinions on this. Certainly it is important for people to be able to express those differences. That is my question for the parliamentary secretary. In putting together the strategy to get this bill through the House, if he was speaking on behalf of the Minister of Justice, what thoughts did they have when they came up with a strategy that does not allow the members of the cabinet a free vote?

The cabinet is a reflection of Canadian society. I am sure it has the same divisions that exist throughout Canadian society. I would ask the parliamentary secretary to tell us how the strategy came about that cabinet would be bound by this. On something that touches and quite frankly divides so many Canadians in such a profound way, why would cabinet members not have been given the complete freedom to vote as they wanted on this bill? What does he think? That is my question.

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**Hon. Paul Harold Macklin:** Madam Speaker, the hon. member's question is an interesting one, but I think it should be also layered with the thought that what we are dealing with here is a human right under the charter. In fact, when we look at human rights, I am not certain why there should be so much debate within the House if what we are talking about is a human right, that is, the equality of access to a civil institution. I believe it is very important for us, having heard all of the witnesses we did, to reflect back on the diverse commentary.

In the end, the question really came down to looking at the definition of a civil marriage that fit a pluralistic society and that also met the standards we had set as a Parliament within the charter itself. This was the key that one had to seek out. I believe that in fact it has been sought out. I do believe that this bill meets the expectations of those of us who not only respect rights but also respect the charter.

I believe this bill is the appropriate bill. Having had some additions at committee, I believe it has come back to the House in a form that ought to be able to meet our expectations.

• (1305)

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Madam Speaker, the member is being completely inconsistent. A free vote is being allowed for the entire Liberal caucus except the cabinet. He has not answered the question. Why is it a free vote for all of caucus because it is a conscience issue, yet for cabinet it is not and suddenly becomes a different issue? He is being inconsistent. I would like him to explain that inconsistency.

**Hon. Paul Harold Macklin:** Madam Speaker, the question is the substance of the bill. The question is the Charter of Rights and Freedoms that is before us. That is the important issue before this Parliament. That is what we need to be debating. This is the question that is of substance for all of us.

I know that most people in this place have already made up their minds. I do not think there is much doubt about that. But I think the reality is that the debate going on in this place still needs to be focused on this bill before the House and the substance within it.

[Translation]

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Madam Speaker, before beginning the debate, as such, I rise on a point of order. Consultations have taken place among the parties, and, if you seek it, you will find there is unanimous consent to adopt the following amendment. I move:

That Bill C-38 be amended by adding, after line 5 on page 6, the following:

11.1 Section 149.1 of the Act is amended by adding the following after subsection (6.2):

(6.2.1) For greater certainty, subject to subsections (6.1) and (6.2), a registered charity with stated purposes that include the advancement of religion shall not have its registration revoked or be subject to any other penalty under Part V solely because it or any of its members, officials, supporters or adherents exercises, in relation to marriage between persons of the same sex, the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms.

If you seek the unanimous consent of the House, I believe you will find it.

[English]

**The Acting Speaker (Hon. Jean Augustine):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Amendment agreed to)

[Translation]

**The Acting Speaker (Hon. Jean Augustine):** Resuming debate. The hon. member for Charlesbourg—Haute-Saint-Charles.

**Mr. Richard Marceau:** Madam Speaker, I cannot help starting the debate by saying, finally. Finally, we are seeing the light at the end of the tunnel and finally, we are seeing the end of a process that began long ago, all too long ago.

Contrary to what some in this House are saying, the debate is not proceeding too quickly, and the bill is not being rushed. That is simply not true.

In Canada, the debate began sometime around 1999, when the Law Reform Commission of Canada produced a report entitled: *Beyond Conjugalinity*. Since then, there has been lots of debate and considerable confrontation and discussion. The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness heard 467 witnesses on the subject. I was present on the committee when the vast majority of them were heard.

The standing committee whose report we are debating today broadened the definition, the concept of technical witness, in order to hear over 60 witnesses on the matter before us.

I heard the Conservatives say that we were pushing to get the bill passed. Allow me to read part of an editorial from what is no doubt their preferred paper, the *National Post*, not a sovereigntist or a left leaning paper. I will quote the article in the language in which it was written.

[English]

But whatever side of the issue one is on, the notion that reforms are being rushed through without proper debate is overblown.

In fact, it's hard to think of a policy issue that has been the subject of more debate in this country over the past two years. After committee hearings, endless public analysis and the 2004 election in which voters were well aware that a re-elected Liberal government intended to legalize gay marriage, the personal stance of virtually every MP in this country is already well-documented. And given the degree to which opinions on the issue are inflamed, it is highly unlikely that any of those positions will change in the foreseeable future, no matter how much more debate there is.

• (1310)

[Translation]

That appeared in the *National Post* on Friday, June 3, 2005.

So, to say that there has not been sufficient debate, that this is being rushed through, is completely untrue. They are simply being disingenuous in suggesting such a thing.

This debate, then, has almost reached its conclusion. Contrary to what has been said all too often, we are not witnessing a radical transformation of marriage, we are witnessing the evolution of an institution that is far from static and that has changed over the centuries.

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In the Judeo-Christian tradition, to which the majority of the population of this country belongs, polygamy was permitted a few hundred years ago. It was then outlawed. We need not go so far back; barely 50 years ago in Quebec, a woman who married lost her status as an adult. She became a minor and the responsibility of her husband, who was supposed to act as a “responsible man” or fatherly head of the household.

Today, as a result of evolution, thank God, women and men are full and equal partners. We are not talking about several hundred years ago, merely several decades ago.

Societies change over time. Institutions, which are the backbone or an essential part of any society, must also change or they may cease to exist.

Two parameters have determined the approach taken by the Bloc Québécois in this debate. As we know, there is a free vote, certainly. We have an official position that was guided by two parameters.

First, we believe in human rights, particularly the right to equality as set forth in section 15 of the Canadian Charter of Rights and Freedoms, which has been determined to give same-sex couples the right to marry, a position favoured by the vast majority of Bloc Québécois members. We want to be sure, therefore, that the right to equality, the right to same sex marriage, is upheld.

Second—and even though we were speaking about civil marriage—freedom of religion is just as important. We want to ensure that freedom of religion enables churches, temples, mosques, and synagogues that refuse to marry same sex couples to continue doing so. However, the amendment to which I obtained unanimous consent a little while ago clarifies one fear—or, I hope, removes one fear—and will diminish the concern of some people that their churches, temples, synagogues or mosques could lose their charitable status.

An analogy could easily be made with the Catholic Church. Not allowing women to become priests is, in itself, discriminatory. Not allowing divorced people to marry in the Catholic Church is, in itself, discriminatory. However, this dogma of the Catholic Church is protected under freedom of religion in the Quebec and Canadian charters.

The Bloc Québécois and all those who favour same sex marriage have no intention at all of removing freedom of religion, threatening the freedom to hold dogmas that sometimes seem, on the face of it, to contradict the equality rights of certain people in our society.

I do not think that the amendment I introduced this afternoon is necessary.

• (1315)

However, including this amendment in Bill C-38, and stating in black and white that no church or religious group will lose its status as a charitable organization, allays the fears of the many groups that came to committee to share their concerns. They were not afraid of marrying same sex partners. I asked that question almost every time. They were afraid of losing their status as a charitable organization. In fact, in committee I asked one of the religious groups for a suggestion for the wording of this amendment and the amendment as introduced was very much inspired by that suggestion.

This morning, by unanimously allowing the inclusion of this amendment in Bill C-38, the House has demonstrated good faith and shown that all these religious groups have nothing to fear, that their freedom of religion and their definition of marriage will continue to apply in their institutions.

Again, I encourage all my colleagues to support Bill C-38 in order to show our opposition to discrimination and our support for human rights and the right to equality for our gay and lesbian constituents. The bill should also be supported to show that our appreciation for difference, whether religious, ethnic, cultural or sexual orientation, is a credit and a benefit to our society. Finally, we should support Bill C-38 in order to show the world that we are tolerant to differences and, better yet, we embrace these differences because they create a richer society for us and for our children.

[*English*]

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Madam Speaker, I listened intently with the good work of our interpreters to the words spoken by my colleague from the Bloc. I always say that I appreciate the work of the interpreters because being a unilingual Canadian I can only communicate to those hon. members via the work of the interpreters.

My question for the member has to do with the framing of this debate on an issue of equality, which is the only argument I have heard from the other side that bears any weight at all, and yet the issue of equality has not been addressed since it is only equality for homosexuals engaged in conjugal activity. All others are excluded. Therefore the whole argument of equality falls somewhat short of the mark.

Furthermore, when one compares the struggles for equality in past history with this one, there is a missing link of great significance. There was a time in the United States when people of colour, as they are now called, were struggling for equality. It was a worthy fight and, thankfully, they eventually won it. However the blacks in the United States never asked to be called white. They just wanted the same rights. Similarly in this country and in others, we have had to struggle for women's rights. Thankfully, there have been some large gains made in this.

I think in Canada now there are many fewer areas in which women are discriminated against and yet never have I heard women saying that they want equal rights with men and therefore they want to be called men. They do not. They just want equal rights.

In this struggle for so-called equality for same sex couples, why do they want to use the same word as describes heterosexual marriage and has for millennia? Why not just go for the equality, which I and my party support, and let us not play the semantics game of changing the dictionary and using words that mean other things?

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• (1320)

[*Translation*]

**Mr. Richard Marceau:** Madam Speaker, of course blacks never asked to be called whites. However, they did ask for access to the same institutions, churches, restaurants, voting locations, wash-rooms, in short, for access to all the same institutions and places as whites.

I do not know of any homosexuals who are asking to be called heterosexuals. That is not what homosexuals want; they want access to the same institution to which heterosexuals have access, namely, the institution of marriage.

I tell my Conservative friend that allowing homosexuals access to the institution of marriage will actually strengthen that institution, which has seen better days. It is heterosexuals who have messed it up: the divorce rate is now about 50%, many children are born out of wedlock, and so forth. I am not making any value judgments. If there is a crisis in marriage today, and I hear my Conservative friends talking about it a lot, it is because of heterosexuals who have decided, rightly or wrongly—I am not making any value judgments—not to attach the same importance to it as they used to.

Homosexuals are people who have fought, spent time and energy, battled ridicule, and been called all kinds of names, for access to the institution of marriage, which is solemnized and accorded great significance all over the world. I would say that giving homosexuals, who have fought so hard for it, the right to marry means opening the door to people who believe in marriage and in this institution, which has no equal and which creates a bond between two people. That would strengthen this institution, which has been quite badly treated by heterosexuals over the last 50 years.

[*English*]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I am pleased to rise in the debate at report stage of Bill C-38.

I want to remind the House that this bill is a cause for celebration among gay and lesbian Canadians. It is a time when our relationships are being recognized, when our fight to be included in a key institution of Canadian society will finally be resolved.

This is not a new fight for gay and lesbian people in Canada. We began this fight over 30 years ago when Richard Vogel and Chris North took their fight for a marriage licence to the marriage office in Winnipeg. They were denied a licence at that time but later found support with the Unitarian Church. This fight has gone on for over 30 years because gay and lesbian Canadians, like other Canadians, believe in the institution of marriage. Many gay and lesbian Canadians want to be married because they believe in the commitment and responsibilities that are implied in marriage. That is why couples have fought through the courts to see their ability to be married recognized.

This has not happened because of some errant or wilful judge who wants to upset the apple cart in Canada. It has happened because there are couples who want their relationships recognized in exactly the same way that heterosexual relationships are recognized in this country, and who want access to the important institution of marriage. They do it because they believe in the institution of

marriage and they want to be accepted into that important institution in our society on the same basis as other Canadians.

This is an important equality issue for gay and lesbian Canadians and indeed for all Canadians. It is important that our relationships are recognized, that we have the access to the stability that that recognition will offer, and that our children have access to stable families as well. It is also important that when our relationships fail we have access to the mechanisms of our law that allow us to deal fairly and justly with the dissolution of that relationship.

These are all important things that are covered in Bill C-38. This is a reason to celebrate. This is an important step forward for our society and for all Canadians. I do not want to lose that important aspect of this legislation. This bill on civil marriage will ensure that gay and lesbian Canadians have access to this key institution of our society on an equal basis.

The bill before us at report stage has been amended and further amendments are being proposed. Let me just say that we in this corner of the House do not support the amendments we are debating in Group No. 1, because these are amendments that seek to essentially gut the legislation and change fundamental aspects of it. We will not be supporting the amendments in Group No. 1.

Let me say as well that the bill before us was amended at committee. We have heard from other speakers this morning about the large number of people who have spoken on marriage over the past two and a half years. Over 450 witnesses appeared before the justice committee in the last Parliament on this issue, and almost 60 witnesses appeared before the legislative committee in this Parliament on this current bill.

In the legislative committee a vast majority, over two-thirds, of the witnesses we heard were people who had concerns about this legislation. They had a hearing at the committee. They were not always agreed with, but they were always listened to with care and with respect.

The bill was amended at committee in ways that provide greater reassurance. Those are not amendments that I thought were necessary. I thought the bill in its original form was clear in its intent and was clear that it protected religious freedom in Canada, but we heard regularly at the committee that more reassurance might be helpful, so the committee did accept several amendments. One is an additional preambular clause that states:

Whereas it is not against the public interest to hold and publicly express diverse views on marriage;

That is an important addition to the bill, even though preambular clauses are interpretive clauses. They help us understand the intent of the legislation, so that was an important addition and one which the committee made willingly. I did not think it was necessary, especially given the other clauses in the preamble which make the commitment to freedom of religion very clear.

• (1325)

As well, for greater certainty, another interpretive clause was added to clause 3 of the legislation. Clause 3 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.

*Government Orders*

The committee in its wisdom decided to add clause 3.1 to add even greater clarity on that issue. That clause reads:

3.1 For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

I do not know what could be clearer in terms of interpreting this legislation to guarantee religious freedom in Canada and to guarantee the freedom of those religious organizations which do not, for whatever reason of their beliefs or theology, feel that they would be able to solemnize the marriage of a gay or a lesbian couple. It is very clear; it was clear previously, but it is now absolutely crystal clear. We have gone out of our way to make this absolutely well known in this legislation. The amendment introduced by my colleague from the Bloc goes even further to grant that reassurance.

One of the things we heard at the committee hearings was concern about the charitable status of organizations, religious organizations in particular. The amendment proposed by my colleague from the Bloc goes some way to offer reassurance on that score as well. Let me read it again:

Section 149.1 of the Act is amended by adding the following after subsection (6.2):

(6.21) For greater certainty, subject to subsections (6.1) and (6.2), a registered charity with stated purposes that include the advancement of religion shall not have its registration revoked or be subject to any other penalty under Part V solely because it or any of its members, officials, supporters, or adherents exercises, in relation to marriage between persons of the same sex, the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms.

We are very clear with this amendment as well. There is no threat to the charitable status of religious organizations because they hold a different view of marriage than the one put forward in the civil marriage act.

This legislation has taken great care to offer reassurance on the issue of freedom of religion. At the committee I do not think anyone expressed doubt or fear about the guarantees of religious freedom provided by the charter. I know of no witness who was able to provide an example to show that any religious institution had seen a failure in that protection of religious freedom. They could give us no explicit example of where the guarantees for religious freedom in the charter had failed in the past. There is no expectation on my part or on the part of others that will be the case in the future. The guarantee of religious freedom in the charter and in the Canadian Human Rights Act is solid. Equality rights do not necessarily trump religious freedom as we have heard from time to time.

We need to be very clear that religious freedom is important in Canada, but it cuts the other way as well. There are religious organizations in Canada that seek to marry gay and lesbian couples and want to do it in exactly the same way they do it for their heterosexual members. Currently that is not possible in some provinces where the court decisions are not in effect and they cannot legally marry gay and lesbian couples. This is an important issue of religious freedom from that side of the coin as well. Religious organizations that do support same sex marriage should have the ability to follow through on their belief and their doctrine in that

regard and solemnize those marriages. This is important legislation for those organizations as well.

We have had a lot of debate on this issue. The justice committee toured Canada and heard from over 450 witnesses. Debates have been held in the House. Debates have been held in society from coast to coast to coast. There was a very thorough hearing of Bill C-38 by the legislative committee.

The majority of Canadians want us to get on with this legislation, whatever their views are on Bill C-38. They want us to get to the other issues that are before Parliament and move along. We have had a long debate with respect to Bill C-38.

● (1330)

As I said, we in this corner of the House cannot support the amendments in Group No. 1. However, we are glad that the bill is back on the agenda of the House and look forward to its passage in the very near future.

● (1335)

**Mr. Art Hanger (Calgary Northeast, CPC):** Madam Speaker, it is interesting that the hon. member said that we should get on with the affairs of the House. It is the Prime Minister that dragged Parliament and the entire country into this debate. The general populace did not ask for it by any stretch of the imagination.

The member spoke about protection of religious freedoms and worship, which means quite a lot to me. It means a preacher is able to state the truth in the scripture. I can relate to an incident in Calgary. I am sure everyone in the House has heard of Bishop Henry. He made a statement in a letter. I will quote his comment to the media:

In one of my previous letters I wrote "Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, then the state must use its coercive power to proscribe or curtail them in the interests of the common good".

He indicated very clearly what the coercive powers of the state are, which include every area of the Criminal Code and every area of law that deals with traffic, tax policy, education, communications and a whole list of other areas, including marriage. The powers for those who engage in marrying people on the civil side come from the state.

Bishop Henry clearly is a preacher who feels strongly about the word of God and has certainly preached that in all its truth. I know where he got his quote. We only need to look at 1st Corinthians, chapter 6, verses 8 and 9, which talk about that. Bishop Henry will continue to preach from the scriptures. Should he be hauled before the courts for preaching from the scriptures? The member talked about defence of religion. This man has already been hauled before a human rights tribunal twice because somebody did not like what he had to say. Bishop Henry is called to say what the truth is, whether anybody likes it or not. That is the issue at hand.

When it comes to this particular bill, I have a question about the protection of religious freedom. There is none.

**Mr. Bill Siksay:** Madam Speaker, I am not quite sure what the question was in all of that.

*Government Orders*

As I explained in my speech, there are significant protections for religious freedom in Canada. The charter has not been proven deficient in this area. In fact, it has been proven vigorous in this area. Even the witnesses appearing before the committee could not point to any place where religious organizations or religious officials had been discriminated against on that basis.

One of the greatest examples is that religious organizations like the Catholic church have different standards when it comes to, say, the access to certain jobs by women within that institution. The ordination of women is not contemplated in the Catholic church. Yet no woman has been able to take the Catholic church to court to sue to be ordained in the Catholic church.

When I raised the issue of why that has not happened with one of the legal experts who was called to testify before the committee, one of the legal experts who was not supportive of Bill C-38, he said that it was unlikely that any lawyer would take such a case because the protections available under the law for religious institutions to make that kind of decision based on their beliefs, their theology, their doctrine were so strong that the case would not succeed.

I have every reason to believe that the same is true for the protections guaranteed around religious marriage. It is very different from civil marriage, which is what we are talking about in the bill. I believe those religious protections are there.

The hon. member in his long comment said that the Prime Minister was the one who had forced the debate on Canadians. I disagree with that too. The debate is before us today because gay and lesbian people in this country sought full equality in a key institution of this society, that institution being marriage. It was not brought upon us by politicians, by the Prime Minister or by activist judges. It was brought about by people who care about their full participation in our society and who care about the institution of marriage, and who believe in that institution and respect it fully.

• (1340)

**Mr. Vic Toews (Provencher, CPC):** Madam Speaker, I have a few comments that I would like to make prior to getting into the substantive debate. The member indicated that he had not heard of anyone who had been disciplined or brought before commissions or courts because of their views in respect of marriage or the nature of homosexual or heterosexual relationships.

I do not know where this member was, but we heard it constantly. Not only did we hear it constantly before the justice committee, but we heard it constantly before this legislative committee. We have heard about Bishop Henry. He is facing two hearings in front of the Human Rights Commission in Alberta. We have heard that the Knights of Columbia in British Columbia are being taken before the Human Rights Commission because of their refusal to rent their property to celebrate and gay and lesbian marriage.

We have heard about Camp Arnes in Manitoba which has been brought before the Human Rights Commission because it refused to rent its church-sponsored facilities to a gay and lesbian choir. We have heard about the Brockie case, and here we are talking about individuals who for reasons of conscience refuse to do certain things, that has been brought in front of human rights commissions and in fact disciplined.

We have heard about the Saskatchewan bumper sticker case. We have heard of a number of cases. Some of these are still pending, but the point is that these cases are being brought before human rights tribunals on a regular basis. We have heard about Chris Kempling. The B.C. Court of Appeal said freedom of religion only goes so far and upheld the discipline of his losing his job for three months.

I want to move on, however. The issue that this is somehow a human right is something that I find very curious, given the Liberal government's position on this matter.

The Prime Minister and the Minister of Justice say this is a matter of human rights. If this were a matter of human rights, would the government give its backbenchers the right to freely vote on this issue? If this were a fundamental human right, it would stand up and insist that every member must vote because this is a matter of fundamental human rights.

This is a social policy issue that is being dressed up under the charter of rights. The court in the reference case never characterized this as a fundamental human right. To characterize it in that fashion is a fraud. Quite frankly, the approach that the Liberal government has taken by saying that this is a human right but not demanding that its members vote that way demonstrates what kind of a fraud this is.

In respect of the evidence that was heard, we have heard it said there were about 500 witnesses. In fact, the justice committee, which was never allowed to report back because the government put a stop to those hearings, heard approximately 450 or so witnesses, but it never dealt with the bill. It dealt with the general principle of whether or not there should be same sex marriages. So that dealt with not a legislative focus but indeed on the entire concept of same sex marriage.

At second reading this House accepted in principle that there would be same sex marriages and passing it to the committee. In committee, my focus, and many of the members' focus, was not as much on the issue of how we redefine marriage, but how to protect those who for reasons of conscience and religion had concerns about this change. We had approximately 40 witnesses, and it was stated that would be it. It was through the Conservative efforts that another 20 witnesses, and I might say significant witnesses, were brought forward.

We were only allowed to bring 20 witnesses forward because an agreement was made that those 20 would be allowed to appear if we agreed to some kind of closure. That was not my preference, but that is in fact what happened.

In respect of this bill, and the significance and the consequences of this bill, we have heard less than 60 witnesses. This idea that we have been talking about this bill for the past three or four years is simply not correct.

*Government Orders*

•(1345)

I want to talk about how Bill C-38 approaches the problem. This bill is full of unconstitutional provisions. The reason those unconstitutional provisions are put in there is to give the people of Canada hope. Unfortunately, it is false hope, dealing both with the preamble section which talks about the freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the right of religious officials to refuse to perform same sex marriage. Clause 3 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.

The Supreme Court of Canada, in the reference case, specifically held that whether that section is substantive or declaratory it is unconstitutional. What the Government of Canada tried to do is hoist this on Canadians and said that it is protecting our religious freedoms and that Canadians do not need any more protection other than what is stated in that.

Clearly, a proper reading of the Supreme Court of Canada decision says this is unconstitutional. I am surprised that the Minister of Justice has not moved his amendment to remove that now that this fraud has been exposed. It is better to have the plain truth staring at us, than to sugar coat it in this type of a fraudulent manner.

The next point I would like to make deals with clause 3.1. Again, this deals with exactly the approach that the Liberal government has taken to this issue. The amendment reads:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

The charter of rights is a constitutional document that protects citizens against the government. We do not violate the charter of rights, as some Liberals have suggested, by expanding the rights given under the Charter of Rights and Freedoms. The Charter of Rights and Freedoms is a floor. It is the lowest common denominator that is accepted as the floor of our guarantees.

It says that we can have no greater right of freedom of religion or freedom of conscience or freedom of expression than that which is guaranteed by the charter. It establishes a floor and this section confirms the lowest common denominator.

What many have found out, as Mr. Kempling found out by the B.C. Court of Appeal and others have found out, by saying that we have freedom of religion and freedom of expression, is that what was said or what a person's religious beliefs are, they are beyond the scope of that freedom of expression. It is freedom that goes beyond what is entrenched in the charter.

It gives no more rights and freedoms that are already guaranteed in the charter of rights. That charter has been hollow in terms of protecting rights and freedoms of people like Mr. Kempling. It simply has not granted them.

What needs to happen, if this is to have any substance, is to have the reference removed limiting that right to the Charter of Rights and Freedoms and saying Canadians have the right to their freedom of religion without this kind of limitation which we know that the courts consistently put into second place when religious rights collide with equality rights.

This will essentially confirm the continued practice of the courts to affirm equality rights at the expense of religious freedom whenever those two rights collide. It is because equality rights are the new religion of the courts and the Liberal government. They will stomp on religious rights at every opportunity and the courts have demonstrated that in a number of cases.

•(1350)

**Mr. Mario Silva (Davenport, Lib.):** Madam Speaker, while I understand the member opposite and his party are not in favour of full equality for gays and lesbians of this country, there is one thing I still yet do not understand. Where does the member and his party stand in terms of the 5,000 to 6,000 legal marriage licences that have been issued to gays and lesbians across the country? What is his plan to deal with those licences? Is it in fact to nullify those particular licences?

**Mr. Vic Toews:** Madam Speaker, let me deal with the comment that the member has made that our party is not in favour of full equality. Again, he is suggesting that this is a fundamental human right and placing it on the Conservative Party as being the only one in the House who do not accept this as a human right.

There are some members of the Liberal Party, some members of the Bloc and at least one member of NDP who were silenced by their leaders that this simply does not fall within the scope of human rights. This is a social policy issue. We do not need to take the word of the Conservative Party in that respect. There is no other court in the world that has seen this as a human right.

Indeed, the UN has clearly demonstrated, in its decisions through its courts, that this is not a human right. This is a social policy matter that Parliament essentially must determine. The member now stands up and says, "Shame on the Conservative Party. It does not recognize this as a human right". His own government, not by its words, in which it says it is a human right, but by its actions demonstrate that it is a social policy issue. The member needs to deal with the inconsistency in his own question before he asks questions like that.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Madam Speaker, I would like to ask my colleague a question regarding equality. I know we often have individuals comparing this struggle to the race issue and the equality issue in the United States. I think that is a fairly contorted way of doing it. There are obvious marked differences between this discussion that has ensued here and the issue before us.

I would like to have further comments on the issue of equality by my colleague. It seems to me that this is something very basic that most of us would understand. When any of us go into any kind of public setting anywhere in the country, I as a male, my wife, my daughter and my daughter-in-law have to head in a different direction when it comes to going to the restroom facilities. I accept that. It says nothing about the fact that I am more equal than they are. We are equal in every respect from a Canadian point of view, but there are some different paths or routes we take at that point.

There are those who would say that we cannot have different but equal. That is a flaw and fraudulent proposition. There are the basics that we treat people equally, and we give them the same provisions and allowances on things. However, there can still be some different categories set up in society that can be handled in a reasonable way.

With respect to my simple basic illustration, men and women are certainly equal in every respect. There is no question about that. However, when it comes to something as basic as attending a restroom, I do not protest the fact that I have to go in a different direction. It would create great trouble if I were to go into their restroom or vice versa. Therefore, there is a different treatment but equal in every respect. I would like a comment with respect to equality in regard to that.

• (1355)

**Mr. Vic Toews:** Madam Speaker, I suggest the member take a look at some of the debates that occurred when the Charter of Rights was enacted. There were a number of votes and debates that dealt with exactly to what extent the Charter of Rights should constitutionalize or institute constitutionally certain rights and freedoms.

There was a discussion about that. Section 15 was a clearly drawn document. There were a number of discussions about sexual orientation and the definition of marriage. It was concluded that those were issues that did not fall within the scope of the charter. That is where I start the argument. The Parliament that granted the courts this jurisdiction made it very clear what the definition of equality was in the country in terms of a constitutionally protected human right. That formulation was very consistent with the documents of the United Nations.

What we have seen is an attempt by the courts to enlarge that constitutional framework. I would appreciate it if the Liberals were honest about that in the House. This has nothing to do with the Charter of Rights and Freedoms. This has everything to do with a social policy and they should not attempt to masquerade it as a matter of human rights. It was a matter of social policy that was specifically left within the jurisdiction of Parliament to determine.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, in the whereas clauses in the bill there is reference to freedom of conscience and religion. Clause 3 deals only with religious beliefs. The question for Canadians becomes whether matters of conscience as they relate to individuals and not members of religious groups will also be covered and it appears not.

Could the member comment on that?

**Mr. Vic Toews:** Madam Speaker, the member makes a good point. Even though clause 3 in its entirety is unconstitutional, if the government had any consistency, it should have taken that preamble

clause and placed it into the substance so it would be in clause 3. That would protect the freedom of conscience and religion to some extent.

There is still the caveat that if we protect freedom of conscience and religion to the extent that it is guaranteed by the Charter of Rights, there is a ceiling to that right beyond which it is not protected. That conscience, religion and expression is then subject to attack by the courts and human rights tribunals. However, with regard to the point the member makes about protecting the conscience aspect, that preamble clause should have been put into clause 3. Clause 3 itself in its entirety is unconstitutional.

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## STATEMENTS BY MEMBERS

[English]

### HABITAT FOR HUMANITY

**Hon. Peter Adams (Peterborough, Lib.):** Madam Speaker, Habitat for Humanity, Peterborough, is a local volunteer organization that seeks to provide affordable housing for low income people in our community. It builds homes with partner families, using donations from businesses, churches, service clubs and individuals, donations of capital or in kind.

With this help, Habitat builds simple homes with the aid of volunteers, professional tradespeople above all with the hard work, at least 500 hours, of the partner families. The families become homeowners and take on all the responsibilities of ownership.

A number of homes have been and are being built in Peterborough. In addition, Habitat has opened a re-store staffed by volunteers where people can buy recycled construction materials at reasonable prices. All proceeds go toward Habitat's work.

Habitat for Humanity and its volunteers are making a real difference in Peterborough.

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### RAIL TRANSPORTATION

**Mr. Myron Thompson (Wild Rose, CPC):** Madam Speaker, earlier this month a constituent of mine from Didsbury, Alberta was killed when his vehicle slammed into the side of a train.

This has been an ongoing problem for those of us who live in rural ridings. We have repeatedly asked the transport minister for all rail cars in Canada to have proper side reflectorization. I know the minister agrees that this is important, but the best he can promise is a seven year timetable to achieve this goal.

I realize that it might take this long for all U.S. trains to meet this timetable, but why is it not an immediate rule for all Canadian owned trains?

*S. O. 31*

When we see the amount of money that is wasted daily by the government with gun registries and so forth, surely we can come up with the money for something this important. Surely this could be made a priority.

The value of life of rural Canadians seems to be forgotten by the government.

\* \* \*

• (1400)

**PARLIAMENTARY INTERNS**

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Madam Speaker, I rise today to recognize the outstanding contribution of the 10 parliamentary interns who have been working on the Hill since last October. For 35 years the House has been fortunate, blessed to welcome talented young university graduates who are selected from across the country.

This year Joshua Alcock, Jeffrey Bell, Karen Diepeveen, David Hugill, Mélisa Leclerc, Jonathan Manes, Katrina Marsh, Jay Nathwani, Althia Raj and Tony Romanelli have worked in the offices of 20 members from all parties.

[*Translation*]

I would like to highlight the contribution made by these young people, including Jonathan Manes, who worked in my office. I would also like to congratulate Jean-Pierre Gaboury and the former program administrator, JoAnne Cartwright. My thanks to these young people, and I hope to see them again some day on the floor of this House.

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**MAISON AUBE-LUMIÈRE**

**Ms. France Bonsant (Compton—Stanstead, BQ):** Mr. Speaker, the Maison Aube-Lumière welcomes patients with terminal cancer. This facility has set a noble and difficult task for itself, that of enabling family and friends to share a loved one's final moments in a calm and serene environment where there are no time constraints, while providing special care for the patient.

At the invitation of Rita and Donald Dugal and Marie-Paul Kirouac, I became the honorary chair of the second walkathon for the Aube-Lumière.

I am pleased to report that the 2005 walkathon was a great success and raised over \$12,000. I want to thank the organizers of this fine undertaking, Rita and Donald Dugal of Cookshire, and the many folks who took part in the walk or made it a success through their donations.

\* \* \*

[*English*]

**HIGH SCHOOL GRADUATION CEREMONIES**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, over the past few days, students from four high schools in my riding of Dartmouth—Cole Harbour have attended graduation ceremonies, like their many counterparts across Canada.

This is a time of change and a time of promise for these students. I congratulate them on their success and thank their teachers for their energy and dedication to teaching.

I was disappointed that I was unable to attend the ceremonies due to responsibilities here in Ottawa. One of my favourite things to do as an MP is to visit local high schools, to engage in conversations on many subjects and to learn from students their views on such areas as equality, justice and the environment.

It is young people like Craig Jennex, valedictorian from Prince Andrew High, who spoke very eloquently and who reflected on what lies ahead for the students. Many people have commented to me on his speech and how inspiring it was, as well as student leaders like Patrick Connor and Shauna Marsh.

There will be challenges and opportunities for these students. There will be the cost of tuition and the barriers it creates for many, but as they embark on their challenges, all of us here are reminded of our duty to ensure that all Canadians have opportunities to succeed. It also reminds us to congratulate those who have reached this milestone in their lives.

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**HEALTH CARE**

**Mr. Merv Tweed (Brandon—Souris, CPC):** Mr. Speaker, earlier this month the Supreme Court of Canada stated that Canadians were dying due to wait times. At the health committee two weeks ago, a Liberal MP blasted her own government for its inaction.

The court decision proves that Liberal mismanagement is wreaking havoc on the health of Canadians. Nowhere else is this more evident than in rural Canada where emergency rooms are being closed, expectant mothers are being forced to travel hundreds of kilometres to see a pediatrician, and family doctors are closing their practices.

As a member of Manitoba's provincial legislature for nine years, I witnessed first-hand the cutbacks in federal health care spending during the current Prime Minister's tenure as finance minister. It is time the Prime Minister acknowledged what the Supreme Court has stated and what Canadians, especially rural Canadians, have known for years: the health care system is broken and his government is responsible.

Canadians deserve a better health care system, but first they deserve an apology from the Prime Minister.

\* \* \*

• (1405)

[*Translation*]

**GRADUATION CEREMONIES**

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Mr. Speaker, in the past few days, I have had the opportunity to attend a number of graduation ceremonies in my riding of Madawaska—Restigouche, in New Brunswick.

[English]

Even if I were unable to take part in all graduation ceremonies because of my schedule, I really enjoyed being present at a few of them.

[Translation]

Every year, at the end of June, thousands of high school and college students receive their diplomas. This marks the end of an important period of their life. Our young people are thus better prepared to meet the challenges they will face and to attain their personal and professional objectives.

[English]

As the member of Parliament for Madawaska—Restigouche, I would therefore like to congratulate all the graduates of my riding.

[Translation]

I would also like to congratulate all graduates on the efforts they have put into their studies and wish them success in the future, which looks very bright for them.

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#### HOUSE OF COMMONS PAGES

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, for a year now, we have had the privilege of working with young women and men whose futures are very bright: the pages of the House of Commons.

Each year, 40 young people are chosen from over 300 applicants from every region of Quebec and Canada to be pages in the House of Commons during their first year of university.

Over the course of the year, these pages have provided services that are indispensable to the operation of Parliament, and they deserve our recognition for their dedication, discretion and competency in fulfilling their duties to all members of the House.

It has been a pleasure to work with and get to know these students, formally and informally. We hope that this experience will help them to better understand and appreciate the world of politics. We hope their future is everything they hope and dream it will be.

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[English]

#### PRIDE WEEK

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, residents of Toronto and visitors from across the world joined together last Sunday to celebrate the 25th anniversary of Pride Week, a celebration of the gay and lesbian community. The parade was one of the largest in the world.

This year's grand marshal was Mr. Salah Bachir. In choosing Mr. Bachir, the pride committee was recognizing the seemingly endless charitable work of this great philanthropist and humanitarian. Mr. Bachir has helped to raise over \$5 million for the 519 Community Centre in Toronto. Of this, \$750,000 was a personal contribution. He is also a member of the Canadian Foundation for AIDS Research and has worked tirelessly in support of this cause.

*S. O. 31*

Mr. Bachir is a true community leader. It is indeed appropriate that he served as the grand marshal of this year's Toronto pride parade.

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#### AGRICULTURE

**Mr. Ted Menzies (Macleod, CPC):** Mr. Speaker, the confirmation of a positive case of BSE in the American cattle herd has shown what producers around the world have known for years: that we are all in this together.

While this case is unfortunate, it was not unexpected. It provides an opportunity for the Canadian government to truly commit to the fight for Canadian cattle producers and return cross-border trade to pre-2003 levels. Canadians need real leadership and a government that works for increased global trade for all sectors of the Canadian economy, not just the unbalanced trade deficits with which the Liberals have become satisfied.

As Canadians enjoy their well-earned summer holidays, the Conservative Party of Canada will continue to listen to small and large business owners and work to ensure Canada harnesses our potential in new and emerging markets.

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#### GOVERNMENT ACCOMPLISHMENTS

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Mr. Speaker, I rise to acknowledge the significant accomplishments the government has spearheaded in the House of Commons during the spring session of Parliament.

Of the 70 bills introduced by the government, I am proud to highlight the recent passage of the progressive Liberal budget. The budget will lay the groundwork for a new deal for Canada's cities and communities, a national child care and early learning system and new financial help for students and seniors.

However, there is much more. From land claim agreements for the Labrador Inuit to the passage of a veterans charter, to a historic 10 year plan to strengthen health care, the government is planning for the Canada of tomorrow.

Having retained the confidence of the House in over 40 tests during an eight month period, we are proud of our record of achievement. Looking back at the majority governments of the mid-1980s and early 1990s and the minority governments before them, I am pleased to say that the legislative record of this Parliament is second to none.

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#### MAKE POVERTY HISTORY CAMPAIGN

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Mr. Speaker, the Make Poverty History, la lutte contre la pauvreté, campaign seeks more and better aid, trade, justice, debt relief and an end to child poverty. I encourage all members of the House to support this issue by wearing one of the white wristbands which are available in the lobby.

*S. O. 31*

In beautiful Simcoe this Canada Day weekend, the Live 8 concert will be held to remind the world about the plight in Africa. The government also needs to be reminded about the tsunami victims in southeast Asia.

Just last week we learned how the government has failed to deliver almost two-thirds of its tsunami relief. In fact, the Liberal government's record on international assistance is the worst in our nation's history.

I ask the minister opposite to carefully consider the pledge she is making before she slides a Make Poverty History band onto her wrist. I would also like her to consider the Conservatives' call for waiving the Live 8 concert fee.

\* \* \*

● (1410)

[*Translation*]**NEW CHIEF OF KANESATAKE**

**Mr. Bernard Cleary (Louis-Saint-Laurent, BQ):** Mr. Speaker, the Mohawk community of Kanésatake has a new grand chief, Stephen Bonspille. This win puts an end to many months of political friction.

Despite some apprehensions, the election campaign and election day went very well. Ghislain Picard, the regional chief of the Assembly of First Nations for Quebec and Labrador, did an excellent job as facilitator.

With this democratic decision, the people of Kanésatake have taken full control over their autonomy again. We need to give the new chief and his community the opportunity and time to work together and reach their full potential.

The federal government must do everything it can to support the people of Kanésatake in reaching that potential.

I want to congratulate the new chief and wish him every success in his new position.

\* \* \*

[*English*]**MULTICULTURALISM DAY**

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, it is my pleasure, on behalf of the Conservative Party, to rise in recognition of June 27 as Canadian Multiculturalism Day.

It is a time for all Canadians to reflect on the contributions that cultural communities have made to the enrichment of our heritage in which all Canadians share.

Multiculturalism Day is one that promotes diversity and understanding that makes Canada unique among nations and the envy of the world.

It is only fitting that I note with great pride June 27 and acknowledge the hard work, challenges and immense sacrifices that all Canadians have made to the strengthening of our society.

The Conservative Party, by introducing the Multiculturalism Act in 1988, is committed to breaking down barriers and promoting

understanding so all Canadians can enjoy the richness that our nation affords.

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**SOUND AND LIGHT SHOW**

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I have a great announcement for all the people who live in Ottawa, Gatineau or any Canadian citizen coming to Ottawa this summer.

The popular Sound and Light Show on Parliament Hill is ready for another summer season starting July 5 and running until September 11. The theme for this year's show is "Canada: The Spirit of a Country".

This inspiring show uses fantastic lighting effects and impressive, gigantic images projected onto the Parliament Buildings and the Peace Tower. It is woven with a rich tapestry of words, music and sounds to tell the story of Canada, a nation of communicators.

Everything that makes Canada spectacular has challenged us to become some of the best communicators in the world. I ask everyone to come and share the culture, landscapes and achievements that make our nation unique; come celebrate the spirit of a country.

The Sound and Light Show is a half-hour bilingual program that runs summer evenings on Parliament Hill, an extraordinary place to watch a show, and is free of charge. I highly recommend that all Canadians come and watch this spectacular nighttime show on the lawn of Parliament Hill.

\* \* \*

[*Translation*]**MONDIAL DES CULTURES**

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, 24 years ago, when the Festival mondial de folklore de Drummondville, now the Mondial des Cultures, was created, we were not nearly as multicultural as we are today, especially in Drummondville, where there were very few immigrants. Coming up with the idea of creating an international festival of world cultures here required a great deal of imagination.

This year's lineup includes 20 acts, from Croatia, South Korea, Mexico, the Basque region and Romania, and also the Trinity Irish Dancers from New York and, for the first time, a troupe from Haiti. This is what makes Drummondville the capital of the world!

This year's event features the voice, the expression of language and peoples. The program includes the Great Voices of Bulgaria, Comeille, Véronique Claveau, Martin Giroux, Julie Lauzon and the Artzimut choir.

The Bloc Québécois commends the Mondial des Cultures de Drummondville for its excellent work and invites the public to join the festivities from July 7 to 17.

Have a good festival.

•(1415)  
[English]

### SATELLITE RADIO

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, it has been almost two weeks since the CRTC decision on satellite radio and we have heard nothing but static and white noise from the Liberal government.

This decision is a digital stake through the heart of the Canadian Broadcasting Act. The CRTC has tossed overboard francophone radio. The CRTC has tossed overboard aboriginal radio. The CRTC has tossed overboard ethnocultural radio.

Most of all, the CRTC has overturned the fundamental principles of Canadian content in Canada.

What have we won? This opportunity for the CBC to hang on the coattails of the big U.S. machine in the biggest cultural dumping scheme in radio history.

The CRTC says that it is okay to have one Canadian voice in 10 on our airwaves. Why the silence from the heritage minister? Why the lack of action from the government?

We are calling on the Liberal cabinet to overturn this decision and send a clear message that it will fight for Canadian voices on our airwaves.

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## ORAL QUESTION PERIOD

[English]

### AIR-INDIA

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, during the trip to Ireland it was more than apparent that the victims' families were not satisfied with the government's handling of the Air-India issue, and neither are most members of Parliament.

On April 12 a majority of the members of the House voted to direct the government to immediately hold a public inquiry into the Air-India issue.

Will the Prime Minister honour the will of the House, yes or no?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, there is no doubt that the memorial that was held in Ireland was very emotional, and justifiably so this being an enormous Canadian tragedy.

At the meeting, as we have in the past, the hon. Bob Rae met with the families, as did I, and have said that once Mr. Rae has completed his examination and his discussions with the families, the option that the government will take will follow that recommendation in terms of the nature of how we should come to the answers that they and the country justifiably require.

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### HEALTH

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, the following is a second example of the government's failure to act on the decisions of Parliament.

### Oral Questions

On April 20 the House unanimously called for the immediate compensation of all hep C victims and yet the government has still not spent one additional dime.

Before the House breaks for the summer could the Prime Minister tell us why the hep C sufferers have still not received the promised compensation?

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, the Leader of the Opposition knows that this is an issue that is before the courts. As well, there are lawyers talking to other lawyers from both of the classes, the class of 1986 to 1990 and the class of pre-1986 and post-1990. They are engaged in discussions.

There is no question that there is a will on the part of the government to ensure all of the victims are adequately compensated.

\* \* \*

### TRANSFER PAYMENTS

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, it is amazing that when they were talking to Jean Chrétien's lawyers, unlike the hep C or Air-India cases, they were able to get immediate action and immediate agreement.

[Translation]

I have a third example. On November 2, 2004, the House passed a resolution calling on the government to recognize the existence of the fiscal imbalance. Almost eight months later, the Prime Minister still has not reacted.

Is the Prime Minister close to admitting that the fiscal imbalance exists?

[English]

**Hon. Ralph Goodale (Minister of Finance, Lib.):** Mr. Speaker, as we have pointed out in the House on a number of occasions, federal transfers to the provinces are now at an all-time record high. Over the course of the next 10 years they are scheduled to increase by another \$100 billion.

In addition to that, the government will continue to look for ways in which it can cooperate with the provinces and build an ever stronger federation.

\* \* \*

### THE BUDGET

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, on Thursday the Liberals cut a deal with the separatists to ensure that the socialists had the only winning number in the Liberal lotto that week with an estimated jackpot of \$4.6 billion. That is \$132 for every man, woman and child in Canada and \$530 in extra taxes for a family of four.

What is the next deal that the Liberals will cut to stay in power and how much will it cost Canadians?

•(1420)

**Hon. Ralph Goodale (Minister of Finance, Lib.):** Mr. Speaker, members of the official opposition stood in their places on February 23 when the budget was presented and said that it was a good budget and that it was a budget that they could support.

*Oral Questions*

That remained their position for about seven weeks and then they flip-flopped. They reversed themselves 180°. They swallowed themselves whole and caused absolute chaos for six weeks. The end result is that the House has adopted a good budget balance.

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, I will not hold it against the minister for not answering the question. I know he did not actually get to participate in helping to form this part of the budget, as he would like to call it.

I am wondering though if he could do us all a favour. I wonder if he could ask the leader of the NDP if the NDP will be submitting more spending demands as the price to keep the corrupt government in power. Would he ask the leader of the NDP that for us?

**Hon. Ralph Goodale (Minister of Finance, Lib.):** Mr. Speaker, the hon. gentleman can be as snide and as rude as he chooses to be. The fact is that we are determined on this side to make this Parliament work. Canadians elected a minority Parliament. They want parliamentarians to behave, not as juvenile delinquents but as adults who have the goodwill and the good interest of this country at heart.

We did that. We proposed a budget, we negotiated some further amendments to it and that budget is good for all of Canada.

\* \* \*

[Translation]

**CITIZENSHIP AND IMMIGRATION**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, last week, nearly 300 people from the Solidarité sans frontières coalition walked 200 kilometres from Montreal to Ottawa to protest the fate of out of status immigrants and refugees. This protest march clearly demonstrates the government's go slow approach to assuming its responsibilities. For example, it still has not implemented the refugee appeal division.

Given that everyone, including the UN, is calling for the implementation of the refugee appeal division, when will the government finally put it in place?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I have already said in the House that I am waiting for the final report including an analysis of the current situation. As we know, six months ago we enacted the legislation allowing us to analyze the trends, measures and their effects on those seeking political refugee status. Once the analysis has been completed, we will make decisions and announce them to the House.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, is it too much to ask the current government to comply with the legislation it passed three years ago? We are not asking for the impossible: legislation was adopted three years ago. We are merely asking it this: would it be possible to implement this legislation? People are waiting, people without status, refugees who are in precarious situations. And the minister is thinking, one thought at a time.

Could the government do away with the red tape and simply implement this legislation?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the leader of the separatists will do well to talk to his member who sits on the parliamentary committee that demanded

an in-depth study from the minister and the department, which should be ready six months later. The six months are not yet up.

Does the hon. member not want me to pay attention to the member's interventions?

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, the Minister of Citizenship and Immigration is trying to avoid the issue. The government got the House to adopt a new Immigration Act in 2001. Until now, the refugee appeal division has been left behind, while the minister had promised to give his answer as to its implementation by the end of June 2005. We are at the end of June 2005, and three years later, the refugee appeal division is not in effect.

How can the minister justify failing to comply with the law adopted by Parliament and delaying the implementation of the appeal section, when the UN, Amnesty International, the Canadian Council for Refugees—

**The Speaker:** The hon. Minister of Citizenship and Immigration.

• (1425)

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the UN has said that Canada is the world leader in the treatment it gives refugees and seekers of political asylum. The world leader. Last year, we accepted 22% more than the previous year. So, if there is a problem, perhaps the ladies and gentlemen of the separatist party are beginning to see how Canada works.

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, the UN committee against torture says the exact opposite to what the minister has just said. According to this committee, there is no recourse to appeal a negative decision on its merits.

So, I again ask the minister why is he still refusing to comply with the legislation passed by this Parliament at the request of his government? Why?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, we always comply with the law, but it has to be understood that laws are there to help citizens and those who decide to make Canada their country. The facts must be taken into account. The facts are that many more refugees have been accepted in Canada than were last year.

We have systems in place for appeals and we have the report of the standing committee of the House, which recommends that studies be done and that a response be provided after the end of June.

\* \* \*

[English]

**ETHICS**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, my question is for the Prime Minister. It concerns the Minister responsible for Democratic Renewal. Her family uses temporary workers systematically in the large company owned by the family and yet she is in charge of policy affecting these very workers. It is a clear-cut conflict of interest, because what is good for Magna may not be good public policy.

*Oral Questions*

The Prime Minister recuses himself from decisions regarding shipping policy. How is he going to instruct the human resources minister when it comes to decisions affecting temporary workers?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, as with all of these issues, ministers who are in a position where advice is required seek it from the Ethics Commissioner. The minister in question has done that. She will be guided by the counsel and the advice of the Ethics Commissioner.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, whether or not that is going to turn out to be satisfactory remains to be seen, but here is the problem. We have a minister who is responsible for regulating the hours of work under EI and has very close connections with a firm that is one of the biggest users of temporary workers, yet she is also responsible for cleaning up government and how it works.

What sort of instruction will the Prime Minister give to the minister about how to clean up her own situation?

**Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, like other ministers, the Minister of Human Resources and Skills Development is required to file a comprehensive disclosure statement and to abide by any directions, as the Prime Minister said, the Ethics Commissioner may make. The Privy Council Office also works closely with the Office of the Ethics Commissioner to identify agenda items for cabinet that may require the recusal of ministers.

So in fact a direct response to the member opposite who asked the question is that the PCO will be working directly with the Ethics Commissioner. Where there is a requirement for recusal, the minister will be required to recuse herself.

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**TECHNOLOGY PARTNERSHIPS CANADA**

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, last week I searched the Technology Partnerships Canada website for a list of current repayments of the more than \$2.7 billion that has been loaned out. There was a link, but it did not work.

Today the link on the TPC website to the repayment schedule has been erased completely, as if it was never there in the first place. Why did Industry Canada remove the link to the list of TPC repayments? What is the minister trying to hide?

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, if the link has been erased, it is for reasons that I am unaware of. It was certainly not by design. We are very committed to disclosing all the information that companies will permit us to disclose subject to commercial considerations.

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, this vanishing link to repayments is a classic example of the mismanagement and secrecy that surrounds this whole program. They did the same thing when we asked about job creation figures. They removed that from the website.

The industry minister refuses to release the results of the forensic audit of TPC. Now he even refuses to allow the public to see how much of its money has been repaid under this program. Will the industry minister commit today in the House to put the repayments

back on the website and will he release the results of this audit today?

• (1430)

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, I am sure that we will put the repayment schedule back on the website.

I have said before that I will be releasing the results of the forensic audit. Whether I do it today or not is uncertain, but it will be very soon.

**Mr. Werner Schmidt (Kelowna—Lake Country, CPC):** Mr. Speaker, the Minister of Industry has acknowledged in this House that \$2 million of TPC money has been paid to the wrong people and not to legitimate companies seeking funding.

Has the minister issued an order that no officer of TPC is to meet in the future with lobbyists on behalf of companies seeking TPC grants? Has he put a stop to it?

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, the hon. member should know a lot about TPC because a half a million dollars in funding has gone into his riding. I am sure he is up to speed.

There is no prohibition against the use of consultants under the TPC program. The prohibition is a government-wide prohibition against the payment of contingency fees that create a moral hazard for people in government and for consultants and which we do not want to put up with even though in many cases it provides a very positive service to the companies concerned.

**Mr. Werner Schmidt (Kelowna—Lake Country, CPC):** Mr. Speaker, that is typical Liberal rhetoric. Despite admitting that \$2 million in TPC funds has already been misappropriated in the form of kickbacks to Liberal lobbyists, the minister refuses to put a stop to it.

Now he is asking the public to trust an audit conducted by his own office. When will the minister take responsibility for his department's failure, ask the Auditor General of Canada to conduct a full audit and stop the misappropriation of these TPC funds?

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, the hon. member is sounding like a broken record. The reality is that it is against government policy to pay contingency grants or contingency payments. Companies enter into contracts which stipulate that no contingency fee will be paid. Those contracts are still in place. We will enforce them strongly.

In the case of any payments that have been made thus far, we have recovered the money. It is a matter of good, diligent audit that we have captured this and caught it in time.

\* \* \*

[Translation]

**IMMIGRATION**

**Mr. Roger Clavet (Louis-Hébert, BQ):** Mr. Speaker, while hundreds of people are waiting for their immigrant status to be resolved, we learn that the daughter of a Syrian general, who, until recently, was responsible for the domestic intelligence service, will be coming to Canada shortly to give birth.

*Oral Questions*

How does the government explain that this individual, as well as other members of her family, has a visa to give birth in Canada and is getting Canadian citizenship immediately?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I am not in the habit of discussing and elaborating on a personal and individual case. I will make no exception today. We are clearly talking about an individual who received a visa like anyone else who follows the rules and regulations in place.

**Mr. Roger Clavet (Louis-Hébert, BQ):** Mr. Speaker, if we are talking about humanitarian reasons, there are much more serious and clear cases that should find favour in the minister's eyes. I am talking about the Mexican family of five children the government plans to deport shortly.

Does the minister realize that he should direct his largesse elsewhere, instead of giving this Syrian citizen the right to have her child in Canada? Instead of chasing separatists all over the place, is the minister capable of doing his job and bringing forth an intelligent solution?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, to me, the use of theatrics is no mark of sincerity. On the subject of sincerity, we have a process in place that gives every individual seeking political asylum the chance for a response that complies with international conventions such as the 1951 UN convention. The entire process is based on that convention.

\* \* \*

• (1435)

**NATIONAL DEFENCE**

**Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ):** Mr. Speaker, far from being resolved, the contamination of water in Shannon by solvents used on the Valcartier base is spreading and is apparently now threatening the groundwater in Val-Bélair and possibly the safety of individual wells.

If everything in Shannon is business as usual, as the Minister of National Defence says, why is he delaying the publication of the report in his possession on the extent of the contamination in the region?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, as I have already assured the hon. member countless times in this House, we are sharing with the public and the community all the information in our possession about the water contamination in Shannon and the work that has been done. The report the member has referred to a number of times in the House does not exist as such. There is only computer data, and we are sharing that data with the community.

**Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ):** Mr. Speaker, I am asking the minister not to wait 40 years, as was the case with Gagetown.

Now that we know that the contamination is about to spread to a Quebec City suburb, what steps does the minister intend to take in order to adequately protect the public's health and the local environment?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, we will take measures similar to those we have already

taken, in other words, we will continue to work with the community and everyone else to identify the source and nature of the contamination and the measures that need to be taken in order to protect the public.

We have already spent over \$21 million in the community. We have provided homes with drinking water. We are continuing to do our job to protect the community and ensure that all contamination problems are resolved.

\* \* \*

[English]

**CITIZENSHIP AND IMMIGRATION**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC):** Mr. Speaker, Canadians were shocked to learn that the daughter and daughter-in-law of a powerful Syrian intelligence chief were given visitors' visas to Canada to allow them to give birth here. The babies automatically get Canadian citizenship, including the future right to sponsor family members into Canada.

Why did the government abuse our immigration system to give backdoor citizenship opportunities to senior members of a foreign dictatorship?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, it is a bit of a stretch to talk about the government abusing anything.

We have an individual who made an application. Quite frankly, I asked the standing committee of the House of Commons six questions in view of preparing for citizenship legislation that was forthcoming. She is a member of that citizenship committee and I am looking for a response that would address one of these issues.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC):** Mr. Speaker, the decision to approve these visas would automatically have triggered security and political concerns. Statesman category protocols govern such high risk and sensitive cases. This means our government deliberately chose to allow queue-jumping in these applications. Sources say that it is common for the children of senior regime figures to travel to Canada to give birth.

How can there be trust in Canada and in our immigration system when our own government gives out visitors' visas for political favour?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, perhaps the hon. member would prefer to get off that particular line. There is no granting of any of these visitors' visas for political favours. That is a regrettable and reprehensible accusation on her part.

She should perhaps concentrate on getting forward a report, as asked, about how to address larger citizenship issues in that committee rather than repeat those same impeccable sources that nobody can identify.

*Oral Questions*

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Speaker, the Liberals politicize visitors' visas and ministerial permits and continue to allow the abuse of our immigration system. The daughter-in-law of the notorious Syrian general, Bahjat Suleiman, was issued a visitor's visa to allow her to give birth in Canada so that the baby would automatically be a Canadian citizen. Now the general's pregnant daughter has been issued a visitor's visa so that she can give birth in Canada.

Why should Canadian citizenship be treated like a political favour?

• (1440)

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, as I said in response to an earlier question, I am not sure that theatre is to be confused with sincerity.

The fact is, judging by the popular press, that someone made an application for a visitor's visa and now we have jumped to a series of other conclusions. I do not know whether we ought to do that. Quite frankly, these fall in the realm of some of the questions that I asked the standing committee to address in preparation for presentation of citizenship legislation that would include, among other things, how one acquires citizenship, how one might lose it, and the—

**The Speaker:** The hon. member for Fleetwood—Port Kells.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Speaker, this unacceptable backdoor practice must stop and the visa that has been issued to the general's daughter must be revoked.

General Suleiman supported the assassination of the former Lebanese prime minister in February. Why is it the practice of the government to issue visitors' visas to family members connected to such a ruthless man while countless other legitimate applicants are turned down?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, let me go over the number of people who do not get turned down. Last year we had 1.1 million, seven digits for those who can count, positive decisions for visitors' visas, temporary work visas, student visas and permanent residencies.

I think the hon. member is trying to create a trend out of one or maybe two decisions that she wants to call into question. If she is serious about it, perhaps she and her colleagues would get to work on the Standing Committee on Citizenship and Immigration and address the questions on citizenship as asked.

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**HUMAN RESOURCES AND SKILLS DEVELOPMENT**

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, my question is for the Minister of Human Resources and Skills Development.

Many community organizations are continuing to raise concerns about the minister's call for proposals process. They indicate that it disregards the quality of services already in place and creates instability for community service agencies, as well as putting them at considerable disadvantage.

Could the minister indicate what actions her ministry is planning to take to address these concerns?

**Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.):** Mr. Speaker, I thank the member for Davenport for his fine work on this issue on behalf of his constituents.

The standing committee did excellent work and I am pleased that its recommendations moved toward a more open and transparent process and toward dialogue with our partners.

The minister is studying the recommendations carefully and remains committed to dialogue with the not for profit sector to discuss proposed changes to the calls for proposals process. The consultations are consistent with the recommended procedures outlined in the volunteer sector initiative.

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**CANADA-U.S. RELATIONS**

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, we have seen over the past decade lower standards of living and a lower quality of life for most Canadians. Most jobs created are now part time or temporary and the average Canadian worker has lost 60¢ an hour in real terms.

While we have seen no progress on softwood lumber and BSE, now we find out that this government is prepared to make even greater concessions to the Bush administration through its backroom deep integration talks. Canadians did not vote for that.

Will this government commit to stop making concessions in secret and ensure that Parliament can openly debate the issue, so Canadians can judge what these talks will cost them?

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, we have been working with the United States for some time to ensure we have the best possible border between Canada and the United States and the best possible North American regulation systems respecting our identities and our own different ways of doing things. However we also want to ensure they are compatible and are easily making our continent more and more prosperous.

There are challenges out there. There are challenges in Asia and in South America. It is imperative that North America remain the most competitive continent on the planet.

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**FOREIGN AFFAIRS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the future of North America task force report released May 17 advocated an even deeper integration with the U.S. and Mexico than feared.

Now in lockstep, the North American security and prosperity partnership has convened to deliver, even if it involves forfeiting Canadian sovereignty over labour standards, bulk water, energy, security and even defence.

*Oral Questions*

Will the Prime Minister assure us today that deeper integration will not proceed on any of these fronts without exhaustive consultations with Canadians broadly and without a say by parliamentarians, their elected officials?

• (1445)

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, we are not talking about deeper integration here. We are talking about working with our neighbours, the United States and Mexico.

This partnership is about a follow up to the three leaders' meeting a few months ago. I am very pleased with the progress we are making in this partnership with the Mexicans and the Americans to not only ensure we respect the workers of our respective countries but to ensure we have a competitive economy in which we continue to create good and great jobs for our people.

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[Translation]

**NUCLEAR REACTORS**

**Mr. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, MDS Nordion signed a contract with our atomic agency to build two reactors. The initial cost was \$140 million, and delivery was to be in 1999. Here we are in 2005, and still no reactors. A delay like this hurts our reputation as a world leader in nuclear medicine. In addition, under the contract, the government is responsible for half the cost overrun.

Can the minister tell us how much it is and when the project will be completed?

[English]

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Mr. Speaker, we do not have the exact costs but Canada is a leader in this area and we will continue to be a leader in this area.

**Mr. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, that answer is not good enough. That is no excuse to escape parliamentary oversight.

Furthermore, these delays are forcing MDS Nordion to import bomb grade uranium material into Canada, which the *New York Times* last week criticized as a security threat.

Reports indicate that this project is \$200 million to \$350 million over budget. This House deserves to know how much of a hit the public purse will take. The NDP deserves to know how much of a hit its budget will take. Canadians deserve to know how big the security threat is.

Will the parliamentary secretary tell this House how much this will cost us, \$100 million, \$200 million or \$300 million? How much is it?

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Mr. Speaker, as I said, the exact cost has not been finalized but we will keep safety as our priority. Canada is a leading commercial aspect in this industry.

**JUSTICE**

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, no one in this country should be exempt from the Criminal Code. Canadians believe everyone is equal before and under the law.

Bill S-39, however, exempts military personnel who are convicted of sex offences from being placed on the national sex offender registry.

Will the justice minister commit to the House today that he will not support a two tier justice system and, consequently, will not be supporting Bill S-39.

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, we support a system of equality before the law, a single tier justice system.

**Mr. Kevin Sorenson (Crowfoot, CPC):** Mr. Speaker, it was this party on this side of the House that pushed the government to bring in the national sex offender registry. The Liberal government dragged its feet for years and years. In fact, the Liberal government's dragging of its feet forced the provinces in some cases to establish their own sex offender registry.

Temporary measure or not, will the Minister of Justice vote against exemptions for military members from being placed in the national sex offender registries?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, let me tell the hon. member that the military's justice system is covered by the National Defence Act, not the Criminal Code, and there is a reason for that. There is a specific national justice system that governs the military. I can assure the hon. member that the military will be covered by the sex offender registry in the same way as civilians but they will be covered in a way that is consistent with the way in which the military can do its job.

The member knows that. The bill is clear about that. There will be no exemption. It is not two tier. It is about creating a system that works for the military as well as civilians.

\* \* \*

[Translation]

**AGRICULTURE**

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, on Friday, the council of environment ministers of the European Union decided to maintain the right of member states to ban certain types of genetically modified corn and rapeseed in order to protect public health and the environment, a right that is currently in dispute before the WTO.

Given Europe's decision to protect public health and the environment, will Canada consider today withdrawing its complaint before the WTO?

• (1450)

[English]

**Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, here in Canada we have a very clear way in which we handle GM products. It is very intense. We deal with a scrutiny in terms of any product that would come to market. Our absolute priority is to ensure the safety of Canadian consumers. That is what we do.

*Oral Questions**[Translation]*

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, Canada, like the United States and Argentina, is contesting these bans at the WTO on the basis of freedom of trade, and contends that the product must be proven unsafe before it is banned, while Europe contends that the product must be proven safe before it is authorized.

How can the Canadian government continue its proceedings at the WTO in the name of free trade and ignore the legitimate concerns of consumers over the potential dangers of genetic modification?

*[English]*

**Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, Canada's position is not in terms of free trade. It is in terms of protecting Canadian consumers. Before we provide a licence to any product for distribution in this country, we make absolutely certain that we undertake the necessary investigations to ensure it is safe for Canadian consumers. That is what we do in terms of our licensing process. That is what we have done in the past and that is what we will continue to do in the future.

\* \* \*

## VIETNAM

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, not every Canadian has been made aware of the visit of the Prime Minister of Vietnam to Canada this week, nor are they familiar with the lack of democracy and violations of human rights taking place.

The disrespect for democracy and human rights is so evident that even when the Vietnamese prime minister was holding discussions with the President of the United States last week, 10 Buddhist monks were arrested in Hanoi for exercising democracy.

It is imperative that the Prime Minister of Vietnam be questioned about his government's human rights violations. Will the Prime Minister emphasize this issue with the Vietnamese government's appalling treatment of its own citizens?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, the Minister of Foreign Affairs raised the issue this morning in his discussions with the Vietnamese officials and I intend to raise it this afternoon in my meeting with the Prime Minister of Vietnam.

*[Translation]*

**Mr. Jason Kenney (Calgary Southeast, CPC):** Mr. Speaker, the situation in Vietnam is not getting any better. Freedom of expression and freedom of religion are subject to the will of the government. Activists are being arrested for no reason and tortured and detained in unacceptable conditions.

The Prime Minister of Vietnam is in Canada today on an official visit.

Will our Prime Minister address the issue of human rights with his Vietnamese counterpart or will he remain silent about it as he did in China?

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, the Prime Minister just said yes in English. His response was quite clear to me. I can confirm that this morning I had the opportunity to meet with the Deputy Prime Minister of Vietnam, and

we raised these extremely important issues of freedom of expression and freedom of religion.

I know that the Prime Minister will have the opportunity to raise these issues with his counterpart, the Prime Minister of Vietnam, this afternoon during our other meetings with this country, with which we have a good bilateral relationship. We work with this country in ASEAN and APEC. It is important that we remain committed to them.

\* \* \*

*[English]*

## STATUS OF WOMEN

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, my question is for the Minister responsible for the Status of Women.

The Standing Committee on the Status of Women has tabled four reports dealing with a number of key issues from the funding mechanism of programs available to women's organizations across the country to gender based analysis and the public policy agenda to long-standing, unresolved pay equity issues.

Could the minister outline what actions have been taken in response to the committee's recommendations?

**Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.):** Mr. Speaker, I was honoured to attend the 49th session of the United Nations Commission on the Status of Women in New York where I reaffirmed Canada's strong commitment on the Beijing declaration and platform action of gender equality.

The government announced the creation of the Standing Committee on the Status of Women to seek better accountability and also to seek better results on gender equality.

Based on those reports, I will have the pleasure in the fall to present a renewed action report on the gender equality strategy to seek better accountability of the government, its ministry and also its policies.

\* \* \*

● (1455)

## FISHERIES AND OCEANS

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, last week the David Suzuki Foundation released a critical report questioning DFO's ability to fulfill its conservation mandate in the Pacific region. The report states that:

Lack of properly funded, trained and located staff has led to a "selective or targeted enforcement" approach. Violators, aware of this attitude, become more willing to take risks.

Will the minister finally admit that DFO's model of selective enforcement has not worked in the Pacific region and that he needs a different approach to ensure a better result in 2005?

*Oral Questions*

**Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, my hon. colleague should be aware that I recently announced an additional \$5.2 million in funding for the Pacific region. This will help in terms of enforcement and compliance on the Fraser River and in terms of the science, habitat and fisheries management.

On Friday I had the pleasure of announcing the wild salmon policy, the purpose of which is to protect habitat and biodiversity. We have provided an additional \$1.1 million for this year to support science, habitat and fisheries management. This will go a long way to conserve salmon on the west coast.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, it only took DFO 14 years to come up with the wild salmon policy that commits a mere \$1.1 million and has no implementation plan.

The so-called improvements announced by the minister amount to temporarily shuffling enforcement officers from other parts of B.C. to the lower Fraser River at peak periods apparently. That will just result in new enforcement problems elsewhere in the province.

Why will the minister not accept the recommendations in all the reports that are currently on his desk and permanently assign more enforcement officers to the Fraser River?

**Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, my hon. friend apparently failed to understand when I spoke to the fisheries committee. The additional money we have put into our program on the west coast will allow us to have the officers we have do more overtime, more patrols and more overflights in helicopters. In short, there will be much more enforcement.

\* \* \*

[Translation]

**JUSTICE**

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Mr. Speaker, a newly published book reports that in 2003 more than half of all federal judicial appointees were likely Liberal supporters. The study found that the political affiliation of the candidates is still a significant consideration in the choice of the committee responsible for appointing judges, which was created in 1988.

In light of these revelations, which confirm our worst fears on the lack of neutrality in the process, does the Minister of Justice intend to cooperate fully in overhauling the judicial appointment process started by this House?

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I have said that the current judicial appointment process is excellent. However, I have initiated a review process. I had a meeting with all the chairs of all the advisory committees, and we will continue to have such meetings.

\* \* \*

[English]

**TRANSPORT**

**Mr. Navdeep Bains (Mississauga—Brampton South, Lib.):** Mr. Speaker, I would like to take this opportunity to ask the Minister of

Transport about the request for proposal issue between the Greater Toronto Airports Authority and the Airport Taxi Cab Association.

Last week a protest caused disruptions for the airport users at Pearson International Airport. The airport and highways surrounding the greater Toronto area are vital for the local economy, especially tourism, at this time of the year. Is the minister aware of the issue and what is being done to help resolve this situation?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, I thank the member for his continuing interest in this file. Obviously we are not responsible for the daily administration of the airport. The GTA is responsible. We are following this file very closely because we want the airport to function normally and we want it to see the free flow of traffic.

We are in touch daily with the GTA to ensure that this deal comes to an end. Frankly, we want it to be amicable. We want it to work between the taxis, limos and the airport authority.

\* \* \*

[Translation]

**TELECOMMUNICATIONS**

**Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ):** Mr. Speaker, in 1999, Telus and BC Tel merged. In 2000, renegotiation of the collective agreement began between the new entity and the telecommunications workers union. Since then, Telus has refused to bargain in good faith, leading the Canada Industrial Relations Board to conclude that Telus was guilty of unfair labour practices and in violation of federal law.

Will the Minister of Labour and Housing, who has the authority, appoint an arbitrator to resolve the impasse?

● (1500)

[English]

**Hon. Joe Fontana (Minister of Labour and Housing, Lib.):** Mr. Speaker, I would agree with the member and others who have brought this matter to my attention. Four years is much too long for any two groups to come together.

The parties met on June 22 to June 24. Unfortunately, they did not come to an agreement. I urge both parties to continue to meet. The mediators are ready, willing and able to assist in this. It is absolutely necessary that we do it. There are certain matters before the CIRB and the Federal Court that also have to be taken into account, but we are urging all parties to get to the table and negotiate so we can finally have an adjudication—

*Routine Proceedings*

**The Speaker:** The hon. member for Churchill.

\* \* \*

**INTERNATIONAL AID**

**Mrs. Bev Desjarlais (Churchill, NDP):** Mr. Speaker, last week the Liberal members of the foreign affairs committee seemed to think they had a plan for Canada to reach its decades old goal of 0.7% of GDP to go to developmental assistance. It soon became clear that either the Liberals do not have a plan to reach the 0.7% or they do and they have not told the finance minister.

The Prime Minister said that he would not make a commitment even though he believed in 0.7% and would very much like to see Canada get there. However, the finance minister signed on to the Commission for Africa report, which called on developed countries to reach 0.7% by 2015.

Does anyone in the cabinet know if there is a plan to reach 0.7% by 2015?

**Hon. Aileen Carroll (Minister of International Cooperation, Lib.):** Mr. Speaker, the Prime Minister has made it eminently clear, as I have, as has the finance minister, that we recognize how important the 0.7% is as a benchmark. It is a benchmark that Canada wishes to attain and is committed to do so.

Until we can in a very responsible and fiscal manner lay out exactly how we will do so and give that plan, we will not commit to something until we can accompany that commitment with exactly what Canadians would expect of us.

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**ROUTINE PROCEEDINGS**

[English]

**CERTIFICATES OF NOMINATION**

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour pursuant to Standing Order 110(2) to table a certificate of nomination with respect to the National Gallery of Canada. This certificate would stand referred to the Standing Committee on Canadian Heritage.

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**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 pursuant to Standing Order 36(8) to table, in both official languages, the government's response to eight petitions.

\* \* \*

**COMMITTEES OF THE HOUSE**

## CITIZENSHIP AND IMMIGRATION

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 11th report of the Standing Committee on Citizenship and Immigration on an extension of 30 days to consider Bill C-283, an act to amend the

Immigration and Refugee Protection Act and Immigration and Refugee Regulations.

\* \* \*

● (1505)

**INCOME TAX ACT**

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC)** moved for leave to introduce Bill C-418, An Act to amend the Income Tax Act (vitamins).

He said: Mr. Speaker, the purpose of the bill is to expand the list of allowable medical expense deductions in the Income Tax Act to include expenses incurred for vitamins, supplements, vitamin supplements, mineral supplements, dietary vitamin supplements and dietary mineral supplements.

We are trying to do what we can to increase the ability for Canadians to access natural health products. Also, if these health products are preventive in the workings of our medical system, if they help to reduce the overall costs of our health care system, then we should encourage that.

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

\* \* \*

**BREAST IMPLANT REGISTRY ACT**

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP)** moved for leave to introduce Bill C-419, An Act to establish and maintain a national Breast Implant Registry.

She said: Mr. Speaker, I am very pleased to reintroduce a bill that would establish a national breast implant registry. I am pleased the bill is being seconded by my colleague from Nanaimo—Cowichan because of her work on the Status of Women standing committee pertaining to this very serious issue.

The legislation seeks to establish a registry to monitor implant procedures and to further scientific research. It may not be the whole answer to the problems facing women who undergo breast implants, but it will fill a critical gap in women's health protection by collecting currently unavailable data about implant procedures and data that is needed as a base for informed health-based decisions by women and physicians. It would protect individual privacy while providing an effective means of notifying women of threats to their health.

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

\* \* \*

**PETITIONS**

## MARIJUANA

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** Mr. Speaker, it is my pleasure to present a petition on behalf of my constituents calling on Parliament to withdraw Bill C-17 and any legislation designed to decriminalize the possession and use of marijuana. They want to provide increased funding for the RCMP and Canadian police forces and to eliminate grow operations in Canada.

*Routine Proceedings*

## AUTISM

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, it is my distinct pleasure to present a petition from citizens from Ottawa, Hamilton, Pickering, Kingston, and the wonderful community of Timmins, Ontario asking for changes to the Canada Health Act so that we can bring in therapy treatment for children who are suffering from autism spectrum disorder.

[*Translation*]

## MARRIAGE

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I would like to present a petition signed by individuals in my riding of Pierrefonds—Dollard on Bill C-38. The petitioners are calling on the Parliament of Canada to ensure that the definition of marriage remains the union of one man and one woman.

## HUMAN RIGHTS

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I would like to present a petition signed by people from the island of Montreal on respect for the human rights of the Palestinians.

[*English*]

## MARRIAGE

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, I am honoured to present on behalf of my riding of Cambridge a petition that does not look like it will go very far and will fall on the deaf ears of the Liberal government. It calls on the government to support and uphold the current definition of marriage as being between one man and one woman to the exclusion of all others.

• (1510)

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Mr. Speaker, it is my pleasure to present two petitions today. One is from the good folks of Davidson, Saskatchewan which is in my riding. The petitioners wish Parliament to defend the current definition of marriage.

The second petition also wishes Parliament to defend the current definition of marriage. This is signed by petitioners from across Canada, from not only Saskatchewan, but also Ontario, Alberta and British Columbia.

**Mr. Bradley Trost (Saskatoon—Humboldt, CPC):** Mr. Speaker, it is my honour to present a petition on behalf of constituents from Saskatoon, Muenster, Bruno, Humboldt and also people outside of my constituency, particular the towns of Estevan, Weyburn and Vanscoy in the province of Saskatchewan.

They petition the House of Commons that whereas marriage is a sacred institution that forms the basis of the family union and whereas Parliament overwhelmingly affirmed its understanding that marriage is the union between a single man and a single woman to the exclusion of all others in 1999, therefore the petitioners humbly call upon Parliament to pass legislation that will protect the traditional definition of marriage as it has before affirmed.

## NATURAL HEALTH PRODUCTS

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, I would like to table two petitions on behalf of the residents of Windsor West.

The first relates to Bill C-420, an act to amend the Food and Drugs Act. The petitioners support that bill because they want Canadians to have greater access to natural health products and to restore freedom of choice in personal health care by enacting Bill C-420.

## AUTISM

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, the second petition relates to autism spectrum disorder.

The petitioners are asking for two very specific things. They ask that the Canada Health Act and corresponding regulations be amended to include IBI and ABA therapy for children with autism as a medically necessary treatment and to require that all provinces provide or fund this essential treatment for autism. They also ask for the creation of an academic chair at a university of each province to teach and to improve this situation relating to autism.

## MARRIAGE

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Mr. Speaker, I am presenting a petition that was just approved this morning. It is on the matter that is before the House, the definition of marriage.

The people who have signed the petition state that traditional marriage is the best foundation for raising families and children. They observe that the majority of Canadians favour the traditional definition of marriage as between one man and one woman to the exclusion of all others. They encourage Parliament rather than the courts to be the reinforcer of the traditional definition of marriage.

## SUDAN

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Speaker, I am proud to present on behalf of the community in Hamilton a petition flowing from a public event that was sponsored by the Hamilton Jewish Federation and the Muslim Association of Hamilton dealing with the issue of Darfur. I attended that meeting and spoke on behalf of my constituents. This petition is a reflection of the concern that Hamiltonians have. They call on the Liberal government to do much more in Darfur.

\* \* \*

[*Translation*]

## QUESTIONS ON THE ORDER PAPER

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I ask that all questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders*

[English]

**REQUEST FOR EMERGENCY DEBATE**

## DEFOLIANT USE AT CFB GAGETOWN

**The Speaker:** I am in receipt of a notice of motion under Standing Order 52 from the hon. member for New Brunswick Southwest.

**Mr. Greg Thompson (New Brunswick Southwest, CPC):** Mr. Speaker, I seek an emergency debate on the use of chemical sprays, specifically defoliants, used at Canadian Forces Base Gagetown from 1956 to 1984.

Hundreds of civilians and military personnel were exposed to these deadly chemicals, chemicals like agent orange, agent purple and many others which are deadly dioxins.

The government has neglected these people and their communities and has not taken responsibility for this tragedy. The effects of these deadly chemical compounds have lingered and will continue to linger for decades.

As a result of this indiscriminate use of defoliants, there are cancer and cancer related diseases and deaths to prove the point that we are making. These chemicals are deadly. The devastation continues to this day. They simply linger in the ground and in the water supply for decades.

Only a public inquiry will bring out the complete story, all the facts and a level of transparency which so far has been missing. This is not about pointing fingers at government or punishing government. It is simply about righting a wrong.

Mr. Speaker, the only place where that debate can happen is in the House of Commons. I hope you will look favourably upon this request.

● (1515)

**The Speaker:** I thank the hon. member for New Brunswick Southwest for his very able submissions on this point. I know there have been a number of questions concerning the matter raised in the House in the last few weeks. Clearly it is a matter of some concern, but I do not believe it meets the exigencies of the Standing Order at this time. Accordingly I am not inclined to allow the debate at this time.

**GOVERNMENT ORDERS**

[English]

**CIVIL MARRIAGE ACT**

The House resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes, as reported (with amendments) from the committee, and of the motions in Group No. 1.

**Mr. Rob Moore (Fundy Royal, CPC):** Mr. Speaker, it is an honour to rise on behalf of my constituents to speak to Bill C-38 at report stage.

It is interesting that over the course of presenting petitions there were a number of petitions where constituents were calling on Parliament to recognize and to affirm marriage as the union of one

man and one woman to the exclusion of all others. To put it another way they were calling on Parliament to affirm marriage in the traditional sense or in the sense that it is universally applied across countries, across cultures, across religions. When I attended various events in my riding, people asked, "Why are you going back next week? What is going on? Why the virtually unprecedented extension of the sitting of the House?" There is only one government bill on the projected order, Bill C-38, which in effect will change the legal definition of the word "marriage" in Canada".

If Canadians are so concerned, so divided and so upset about changing a fundamental basic institution in our country, why is the Liberal government embarking on this approach? Why did it not look for alternatives that could have accomplished some of the concerns that were being raised?

This has not been the approach that other jurisdictions have taken. In France and Australia, for example, there has been a recognition of the rights of other couples but preservation of what the word "marriage" means.

It has been interesting to see over the last couple of years how the language has changed. This takes to me one of the amendments. In 1999 members across the way, including the Prime Minister, the Deputy Prime Minister, and many members on that side and many members in this House, overwhelmingly assured Canadians that Parliament would not only affirm the traditional definition of marriage but would take all steps necessary to protect that definition of marriage in Canada. It was some time later, in 2000, when in the Modernization of Benefits and Obligations Act, a clause was inserted which stated:

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.

The then justice minister and current Deputy Prime Minister spoke at length about the uniqueness of the institution of marriage and that how, as she said, Parliament and the Liberal government had no intention of changing what the word "marriage" meant in Canada.

The reason it is interesting to note that particular clause in the Modernization of Benefits and Obligations Act that was passed by this House 2000 is that in Bill C-38, clause 15 states:

Section 1.1 of the Modernization of Benefits and Obligations Act and the heading before it are repealed.

It is just that simple. Is it any wonder that there is cynicism out there? Those on the other side give assurances that religious freedoms are going to be protected, that freedom of expression is going to be protected, that changing what the word "marriage" means in our country is not going to have any impact on our country, is not going to have any impact on those that come after us. With a bit of revisionist history however, the Liberals in the year 2005, reach back to the year 2000 and pretend that Parliament at that time did not insert that declaratory clause on what the word "marriage" means. This brings me to one of the amendments. Remember, it states that for greater certainty the bill does not impact on the definition of marriage and then sets out what that definition is.

*Government Orders*

•(1520)

I sat on the legislative committee studying Bill C-38. I have heard the parliamentary secretary say a few things today that I would take issue with. One is that this issue has had a good hearing among Canadians. As members know, we on this side had to fight tooth and nail to get the number of witnesses we did. These were witnesses that the parliamentary secretary quoted, witnesses that he now acknowledges were good witnesses. The Liberals fought against including them on the witness list.

It is interesting that, through that committee, one of the amendments to Bill C-38, and this bill can only be described as smoke and mirrors, other than changing what the word “marriage” means in law in Canada, nothing else in the bill is of any legal effect. It does not offer any protection or is of any consequence to Canadians, other than the fact that it changes the definition of marriage.

I would like members to listen to the familiar words and see if this sounds familiar. Clause 3.1 says “For greater certainty”. Again, another assurance using the exact same language. The expression “Fool me once, shame on you; fool me twice, shame on me” comes to mind. Once again we have members on that side saying “Don't worry about it; this won't impact on you”.

It is just like a couple of years ago when the Liberals said to Canadians not to worry. They indicated that this would not impact on what the word “marriage” meant and that it would not have that effect. Anyone with any common sense would know that was the ultimate conclusion that they were leading to. Now with the same conviction, those on that side are saying “For greater certainty”. I would like to read this provision. It says:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

That sounds pretty good to me. To someone who is perhaps not a lawyer or to the average Canadian who might read this bill would say that sounds good. That sounds like the government has it covered. Canadians should know as well, as I do, that in law this is a declaratory provision that is not only unconstitutional but it does nothing to protect Canadians. That was the evidence we heard in committee.

We heard a justice department lawyer explain to us, and it is obvious if a person takes a close look at the provision, that this is simply restating that we have certain rights under the Canadian charter of rights. We heard where those rights can lead us. I heard witness after witness give testimony that their rights had been impacted because of the definition of marriage.

We heard at length about Bishop Fred Henry. We heard about marriage commissioners whose livelihood is being affected. We heard about the Knights of Columbus. Here is a real life example. The Knights of Columbus are a religious order of the Catholic church. They are being brought before a human rights tribunal in British Columbia because they will not sanction a same sex ceremony because it violates their religious beliefs. This is not some

hypothetical down the road. This is happening right now. Bill C-38 does absolutely nothing to protect religious beliefs.

If we look at Bill C-38, the first clause says it is called the civil marriage act. I want to speak and support the amendment put forward by my colleague from Calgary Southeast that this clause be amended. The reason it should be amended is that there is no civil marriage in Canada. There is no distinction between civil marriage and marriage. There is only one definition of marriage. By even raising that concept that there is somehow two kinds of marriage in Canada is misleading to Canadians. It is creating more smoke and mirrors and clouding the issue. I support taking that out.

Motion No. 2 states that clause 2 be deleted. It says:

Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.

I have heard sufficient testimony that leads me to the conclusion that if we change the definition of marriage, it will have an impact on other rights. I am also confident that there are ways to address equality concerns without changing the definition of marriage. That is the Canadian way. That is what Canadians support. They support equality, but they also support this basic institution.

Motion No. 3 would delete clause 3 which 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.

•(1525)

We know that the Supreme Court of Canada considered this bill and came to two very ironic conclusions. First, it said it would not say the traditional definition of marriage was unconstitutional and did not rule it unconstitutional. Yet the Liberals will lead us to believe it did. Second, it said a provision like that is ultra vires, outside the jurisdiction of Parliament, and it cannot act to protect religious freedoms. I will be opposing this bill. I urge my colleagues to do so and look for a Canadian compromise.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I know the member was on the legislative committee at which there were some 60 odd witnesses heard. One of the areas that concerns a number of Canadians and certainly myself is the whole question of the implications to the family, particularly children, with regard to the longer term consequences of changing the definition of marriage.

I would ask the member, did any witnesses that appeared before the committee on that matter provide examples or at least the experiences of other countries or jurisdictions that have moved in the direction of changing or polluting the definition of marriage?

**Mr. Rob Moore:** Mr. Speaker, the committee heard 60 some witnesses though we were not going to hear that many.

I heard the parliamentary secretary say we heard 400 and some witnesses. That was in another Parliament. As the hon. member knows, that committee was basically hijacked as it was hearing general testimony from coast to coast on whether the Canadian government should appeal the Ontario Court of Appeal ruling regarding the definition of marriage.

As we know, members who supported marriage were pulled off that committee and other Liberal members were inserted who opposed traditional marriage. We know the committee did not even render a report. That is of no benefit. We are in a new Parliament. This bill put before us changes what the word marriage means and we are not given ample time to study it.

The member has raised an important question. There are only two other countries in the world that have changed in law what the word marriage means, so we do not know yet the long term effects. We can hypothesize what the impact could be on changing an institution that predates Canada.

The committee heard testimony from many witnesses. On the protection of religious freedom, for example, I will read an excerpt:

The advance of social liberalism necessarily stirs anxieties about cultural and religious freedom. Bill C-38 promises that it won't break into the religious sanctuaries to coerce religious officials to solemnize marriages against their consciences. The fact that this legislation raises the spectre of such draconian action is telling.

I agree with that 100%. We do not know where this is going to lead when it comes to freedoms. We know, in the original B.C. decision on this issue, that Justice Pitfield ruled that marriage predates Canada. It predates Confederation. Not only is it not for a judge to change what the word "marriage" means, it is not for Parliament to change what the word "marriage" means.

It is interesting how this has been framed as an issue of fundamental human rights. A few years ago members on that side overwhelmingly voted to support the traditional definition of marriage and yet those same members come here and have the gall to suggest this is about fundamental human rights. If this is about fundamental human rights, why are those members not championing this cause? They are not because it is not a fundamental human right. It is a social policy decision and there has not been one court from any national or international body or tribunal that has suggested otherwise.

We do not know where this is going to lead, but it is virtually unprecedented. We know that Sweden, Norway, France and Australia are taking a reasonable approach. They recognize that there are equality rights and access issues raised by the issue of same sex couples, but they have not attempted to change what the word "marriage" means in their countries, nor should we.

• (1530)

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, let me begin by apologizing to the Chair and the House for not being present at noon to formally move my Motion No. 3. It was a misunderstanding on my part and I apologize. I want to thank the hon. member for Mississauga South for being alert enough to move the motion on my behalf and for all hon. members for allowing the motion to proceed. Motion No. 3 proposes to remove clause 3 of the bill. Clause 3 reads:

It is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs.

Why am I moving to delete this clause? I know that my speech will not change members' minds on the bill. I know that very few members are even listening to report stage debates, much less considering the arguments. I do so in order to state my position for

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the record, for historians, future generations, and politicians from around the world, present and future, who may study our debates in order to help decide policies in their own countries. Most of all I do it for my children and their children, so they know their dad was there and contributed to the debate as best he could.

I accuse the Government of Canada, the cabinet, the Department of Justice, and the Minister of Justice himself, of legal and intellectual hypocrisy for including this clause. In the reference to the Supreme Court, the Government of Canada asked the Supreme Court of Canada certain questions. The relevant one for our purposes was question no. 1 which asked:

Is the annexed Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes within the exclusive legislative authority of the Parliament of Canada? If not, in what particular or particulars, and to what extent?

Section 2 of that proposed act read as follows:

Nothing in this Act affects the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

That is virtually the same wording as clause 3 of the bill we are debating. The words are not identical, but the intent is 100% the same. How did the Supreme Court of Canada answer the question? It said:

Section 2 of the Proposed Act relates to those who may (or must) perform marriages. Legislative competence over the performance or solemnization of marriage is exclusively allocated to the provinces under s. 92(12) of the Constitution Act, 1867.

The Attorney General of Canada suggests that section 2 of the proposed act was declaratory, merely making clear Parliament's intention that other provisions of the proposed act not be read in a manner that would trench on the provinces jurisdiction over the solemnization of marriage. The provision might be seen as an attempt to reassure the provinces and to assuage the concerns of religious officials who perform marriages.

However worthy of attention these concerns are, only the provinces may legislate exemptions to existing solemnization requirements, as any such exemption necessarily relates to the solemnization of marriage under s.92(12). Section 2 of the proposed act was therefore ultra vires Parliament.

While it is true that Parliament has exclusive jurisdiction to enact declaratory legislation relating to the interpretation of its own statutes, such declaratory provisions can have no bearing on the constitutional division of legislative authority. That is a matter to be determined by the courts should the need arise. It follows that a federal provision seeking to ensure that the act within which it is situated is not interpreted so as to trench on provincial powers can have no effect and is superfluous.

The court was asked in question no. 1 whether section 2 of the proposed act was within the exclusive legislative competence of Parliament. Because section 2 of the proposed act relates to a subject matter allocated to the provinces, it follows that it does not fall within the exclusive legislative competence of Parliament. The answer to the second part of the first question must therefore be no.

• (1535)

I repeat the critical lines from the judgment of the Supreme Court:

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Section 2 of the Proposed Act is therefore ultra vires Parliament...It follows that a federal provision seeking to ensure that the Act within which it is situated is not interpreted so as to trench on provincial powers can have no effect and is superfluous.

Why would the Minister of Justice, who is required to certify to his cabinet colleagues that the legislation is in his opinion constitutional, insert clause 3 in the face of the clear and unambiguous language of the judgment of the Supreme Court of Canada?

I accuse the Government of Canada, the cabinet and the Minister of Justice of inserting clause 3 clearly against the judgment of the Supreme Court of Canada for purely political reasons, namely, as a carrot to entice nervous members of Parliament into voting for this bill. There is only one thing more shameful and incredulous than this tactic and that is that a number of MPs have actually been convinced by it.

I accuse the Government of Canada, the cabinet and the Minister of Justice of disrespect for the very institutions they all call on everyone else to respect, namely, the courts. The Supreme Court of Canada has clearly stated that the words and intent embodied in clause 3 are beyond the jurisdiction of the Parliament of Canada and yet they appear in the bill. What a slap in the face to the very institution that we are told to revere.

Finally, I accuse the Bloc Québécois of not only legal and intellectual hypocrisy but also political hypocrisy. Those members pretend to be the champions for the rights of the province of Quebec, and here they have a clause which the Supreme Court of Canada has said is ultra vires Parliament, that is, beyond the scope of the powers of the federal Parliament. Why has the Bloc not insisted that clause 3 be removed, as it is an affront to provincial powers? Only the Bloc can answer the unanswerable.

This entire bill reeks of hypocrisy, political motivation and selective legal reasoning, but clause 3 is the prime example given the unambiguous wording of the Supreme Court of Canada. It should be removed because it does not fall within the exclusive legislative competence of Parliament, can have no effect and is superfluous.

Sadly, in this political environment where logic and the law are the first casualties, I will be surprised if anyone other than myself and a very few others will support my motion to remove the unarguably ultra vires clause 3 from this scandalous bill, a bill that will make Canada one of only three countries in the community of nations which grants marriage status to same sex persons. That fact alone should be reason enough for sensible people to vote against this bill.

• (1540)

**Mr. Vic Toews (Provencher, CPC):** Mr. Speaker, as much as I would like to support the member's motion, the problem with the motion is this: if we stand and say we vote against that particular provision, the Liberal government will stand and say that we do not want to protect the rights of religious organizations to solemnize marriages. It is a clever trap, the kind of trap that the government has consistently performed.

As for the Bloc, I am not surprised. The Bloc has no long term interest in this country. Supporting this bill has absolutely nothing to do with the Bloc. The majority of federalist MPs in this House oppose this bill. The Bloc has no interest in this country. It does not

want to see this country survive and for the Bloc to work together and make an agreement with the government is absolutely shameful.

My question is for the member. He had it in his hands on Thursday to vote with us against the government in order to stop this scandal from spreading, and those Liberals simply went with the government. What I find interesting is that when their votes are not necessary, then they can vote against the government. When the government wants their votes, then they have to vote with the government. That is what I find difficult about those Liberals who purport to support Bill C-38.

**Mr. Tom Wappel:** Mr. Speaker, that was a political speech, but let me say this. My advice to the Conservative Party is not to worry about what the Liberals are going to say but rather to do what is right. The Conservatives know it is right to defeat clause 3 because they know it is unconstitutional. They should defeat clause 3 and not worry about what the Liberal Party is going to say about it, because sensible people will know that they have done the right thing for the right reasons.

There is no excuse for the Bloc not to protect the provincial rights of the provinces and not to support my motion to delete clause 3. The Bloc constantly says it is there to protect the provinces. This is an attack on the rights of the provinces under the Constitution and yet the Bloc does not say a thing about it.

I do not need any lectures from the other side about what to do or what not to do. Six members of that party were not there. If he counts the numbers, he will figure it out himself.

**Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Ind.):** Mr. Speaker, I appreciate very much what the member for Scarborough Southwest was saying.

I have to make a confession. I worked for the Department of Justice many years ago and in fact took part in a constitutional case in front of the Supreme Court of Canada. I share the view of my colleague. It is appalling that a Minister of Justice who purports to be a lawyer would sign off on clause 3 and it is appalling that the cabinet would sign off on this clause.

I would ask the member for Scarborough Southwest if there is anything he has not had time to add on his excellent legal argument just now and which he would like to add now.

**Mr. Tom Wappel:** Mr. Speaker, I think the important thing on Motion No. 3 to delete clause 3 is that there is no emotion involved here. This is a purely legal fact. The Supreme Court has already ruled that clause 3 and its variants are ultra vires the Parliament of Canada. How in heaven's name can anyone put something into a bill that is already stated to be ultra vires? The reason has to be and can only be for political motivation.

There are many lawyers in the House. The Parliamentary Secretary to the Minister of Justice is a lawyer. The critic for the Bloc Québécois is a lawyer. I defy any of them to stand here and distinguish clause 3 from section 2 in the reference to the Supreme Court of Canada. It cannot be done.

This is simply political sleight of hand to try to trap people into believing that they are getting something that they are not getting. It is absolutely shameful that it is even in this bill.

*Government Orders*

• (1545)

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I am extremely surprised by the remarks of the member for Scarborough Southwest. I think this member is hypocrisy incarnate, if hypocrisy is to be found in this House.

Today, under the cover of shared jurisdictions, he invites us to reject the bill, when his opposition is based in reality on his continual rejection of any kind of recognition of the rights of gays and lesbians.

Mr. Speaker, I took part in all of the meetings of the committee you brilliantly chaired, I have to say. We know very well that the section of the bill causing the member concern is declaratory and that the essence of the bill is not the marriage ceremony, but the underlying conditions.

If the member is honest, let him rise and through you, Mr. Speaker, say he rejects the right of homosexual persons to enjoy loving relationships, because he does not like homosexuals. Each time he has had a chance in this House, he has said so. It has nothing to do with sharing jurisdictions. We know where the hypocrisy lies.

[*English*]

**Mr. Tom Wappel:** Mr. Speaker, my position has been clear from 16 years ago. It has not changed one iota so I do not know what the hon. member is talking about. I have been consistent throughout in my opposition to same sex marriage. It is not a right. It never has been a right. It is a question of whether society wants to allow it as a matter of social policy. Even the Supreme Court did not say it was a right.

As for the comment that the section is declaratory, I already dealt with that and so did the Supreme Court. The Supreme Court said that even if it is declaratory it is of “no effect and is superfluous”. If the Supreme Court has said that something is of no effect and superfluous, why in heaven's name legally is it in the bill?

[*Translation*]

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, with considerable serenity, joy and solidarity, I rise with pleasure to speak to this important bill.

As we know, this bill adds an extremely important building block to the institution of human rights. I believe all parliamentarians concerned about human rights have a reason today to delight in the fact that this matter is before Parliament, in order to give homosexual persons the right to enjoy loving relationships and, since it is the issue, to also contemplate marriage.

The origins and roots of today's debate run deep. In the early 1970s, some people went to court to contest the ban on their getting married. I would like things to be put in perspective. It is easy, in such a debate, to get off the track, to mislead the House and even to make erroneous statements.

Bill C-38 does not have anything to do with religious marriage. It is true that, in the division of powers we have in Canada, the celebration of marriage is a provincial responsibility. What has been challenged before the courts in this new century is the question of whether it is compatible with the equal treatment provisions in

section 15 of the Canadian Charter of Rights and Freedoms to refuse access to what is still one of the great civil institutions in our society, the most important one after schools, namely marriage.

The Supreme Court ruled that it was inconsistent with equal treatment and with Canadians' and Quebecers' ideals of magnanimity and equality and the recognition of full citizenship rights not to recognize the right of same sex partners to engage in marriage.

It has nothing to do with religion. Every time the Supreme Court has been seized with the issue, it has recognized an extremely liberal definition of freedom of religion. This freedom is defined as the right to profess a dogma, a religion or a world view without fear. I am convinced that no one in this House would want any religious denomination to be harassed or accused of discrimination for refusing to recognize same sex marriage.

It is something else, however, to lead people to think that even secular public officials, whose job it is to apply the law, could fail to do so in the name of their personal religious convictions. All are equal before the law. From the moment that Parliament passes legislation—as we are confident Bill C-38 will pass—this legislation applies everywhere in Canada and there is no room for people who refuse to apply it. People who do not agree with the interpretation of the law will have to do something else.

In any case, it will not be possible to avoid applying the law, any more than it is for a public servant at Revenue Canada who does not agree with the tax tables to avoid taxing people. When someone is a public official, and not a religious official, he or she has a responsibility to apply the law as it was passed by people with democratic legitimacy, that is to say, elected officials.

It is interesting to ask the following question: why do people with a homosexual orientation want to get married? I know a lot of people who are same sex partners and have been together for 15, 20, 25 or 30 years, sharing exactly the same values as heterosexuals, and who have decided to get married.

• (1550)

What are these values? Obviously, spouses want to mutually support one another. There is also fidelity, the desire for recognition as a mutually exclusive couple. So we have mutual support, fidelity and, of course, last but not least, a third value, which is the need for social recognition. It would be extremely sad not to see homosexual unions receiving the same consideration and respect as heterosexual unions.

During this entire debate, people have tried to make us believe that homosexuals are less capable of commitment and seriousness in a relationship. This begs the question. Who has threatened the institution of marriage?

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I am not saying that people have to get married. Common-law partners mutually support one another, obey the law, pay taxes, are involved in their communities and are model citizens. No one has to get married. However, believing that just because people are homosexual, they are less capable of honouring the commitments of marriage, just does not hold water, in my opinion. Allowing the marginalization of homosexuals is a form of blatant discrimination.

Currently in Canada, eight provinces and two territories have permitted homosexuals to marry in the last few years. Has anyone in the heterosexual community been denied their rights? Has allowing homosexuals in Canada to marry infringed on the freedoms exercised by the family or the heterosexual community? No one in the House could give an example of a negative consequence that could be attributed to the recognition of homosexual unions and life as we know it, or as our communities should know it.

One political party in this Parliament has systematically practised institutional homophobia. Since 1993, its members have asked us at every opportunity to consider homosexuals as second class citizens. I am happy that the Bloc Québécois, the NDP and a majority of Liberal members have never responded to this call to treat homosexuals as second class citizens.

The official opposition voted against recognizing same sex spouses in the public service, against recognizing spouses as common-law partners, and against section 718 of the Criminal Code prohibiting hate crimes and giving harsher sentences to those who beat up homosexuals. The official opposition is going to vote against the recognition of same sex marriage. That is their right. Perhaps they are doing so for political reasons, but, once again, I am quite pleased that a majority of parliamentarians in this House have chosen to put an end to the institutional homophobia that exists and denies full citizen rights to gays and lesbians.

Why is it important to recognize same sex couples? It is important because from now on in the public schools in our communities, we will be able to say that the issue of marriage and the family encompasses the right of gays and lesbians to be full citizens. Anything that contributes to giving a sense of respectability to same sex unions and to gays and lesbians as individuals deserves to be encouraged.

• (1555)

Did you know that there are still many adolescents who, at age 15, 16 or 17, discover their homosexuality and wonder how they will fit into society in the future? Well, in the future, if a young person, regardless of where he is in Canada, wonders what his place will be in society, he will know that in his professional life and in his romantic relationships he will be recognized as a full citizen who contributes to society. I am convinced that this will be a positive step to his full acceptance as an individual.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Mr. Speaker, at least the hon. member is honest. I respect that.

[*English*]

Across the floor we have, on the other hand, a group of members of Parliament who claim to oppose gay marriage, who stand up in their constituencies, who rail against it in church halls, who go out and try to win votes because of their opposition—alleged

opposition—to this particular legislation. Last week, when they had the opportunity to do something about their opposition to this bill, they did nothing. In fact, they worked to see it pass.

We have on the other side of the floor a group of hypocrites, hypocrites who sit there right now and claim that they oppose this legislation. They claim that they want to protect the traditional definition of marriage. They do that because they know that the majority of Canadians in all polls that have come out on the matter support the traditional definition of marriage in all parts of the country. These members stand up in the House of Commons and claim that they are on side with the majority. Last week, when they could have put an end to it, they signed a written deal with the Bloc Québécois, the separatists, to see that go ahead, to see those votes occur, and to ensure that gay marriage will be on the agenda this week and will be passed into law.

I suggest that those 30-plus members who sit in the Liberal caucus and claim to support the majority view, which defends the traditional definition of marriage, but who last week voted with their government and with the separatists and the socialists are the real hypocrites in this debate.

That is why I say to the hon. member, though I disagree with him on his position, I respect the fact that he is honest about it. He is honest with his constituents, unlike members I see sitting right in front of me who have been utterly dishonest and hypocritical in the presentation of their position.

Thank you very much, and I invite comments.

**The Acting Speaker (Mr. Marcel Proulx):** Prior to recognizing the hon. member for Hochelaga, may I remind the hon. member for Nepean—Carleton to be very prudent with the vocabulary he uses against individuals in this House.

**Mr. Andrew Scheer:** Referring to all 30 of them.

• (1600)

[*Translation*]

**Mr. Réal Ménard:** Mr. Speaker, I am not sure either that “hypocrite” is a parliamentary word. I was therefore surprised at how generously the Conservatives, to whom this attribute may also be applied, have made use of it.

That said, I think that the basis of the debate is as follows. There are people who are homosexual and who want to get married for all sorts of reasons, including those I have mentioned: mutual support, fidelity and the desire to live out their days with their partner.

No Conservative member has been able to answer the following question: how does this threaten the freedom of the heterosexual community? Heterosexual marriage, which is being called traditional, will be maintained. My twin brother, who is heterosexual, will not marry a man because this bill passes. Their logic is totally twisted. It does not stand up to analysis.

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In the two countries—Canada will be the third—where marriage involving partners of the same sex has been approved, marriage has not been abandoned by the heterosexual community.

What is this association whereby heterosexual marriage, which is being called traditional marriage, will be put to death if another group in society is given rights? This is what I do not understand in the Conservatives' logic.

That is probably why there are as many people in Quebec preparing to vote Conservative as there are still listening to vinyl records.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, one of the subject matters that has been debated today has been the issue of the balancing of equality rights and religious freedoms within the charter. I wonder if the member would care to speculate whether or not there will be a challenge coming before the courts to religious groups who deny marriage to same-sex couples on the basis that the equality provisions of the charter trump religious beliefs.

[*Translation*]

**Mr. Réal Ménard:** Mr. Speaker, I think the Supreme Court responded very clearly to this issue in paragraph 60 of the reference, just as officials at the Department of Justice had before. I will read the paragraph in question:

Returning to the question before us, the Court is of the opinion that, absent unique circumstances with respect to which we will not speculate, the guarantee of religious freedom in s. 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.

It is not the Bloc Québécois, the NDP, nor the parliamentary secretary who said that, but the Supreme Court.

The provision of the bill not having to do with the marriage celebration, but with freedom of religion, is very clear. In its reference in response to the cabinet's question, the Supreme Court was very clear. I believe that religious challenges will be difficult to establish under section 2(a) of the Charter since, again, the Supreme Court was very clear on the matter.

[*English*]

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** Mr. Speaker, I rise today with pleasure to support the concerns of my constituents and to take their position in speaking in opposition to Bill C-38. I would like to encourage my friend from Hochelaga to take a closer look at the Conservative position on this issue because it deals directly with his concerns. I would suggest that if he were to look closer at it, he would be prepared to adopt our position.

I stand in surprise that I am in agreement with two Liberal members, specifically from Mississauga South and Scarborough Southwest. I would suggest that my friend from Fundy—Royal, who is also on the committee that studied Bill C-38, did an excellent job today in summing up the findings of the committee, in fact speaking about some of the procedural difficulties with that committee.

The institution of marriage was created for the purpose of procreation and nurturing children of the union. After listening to many of the experts who came forward at committee, I am greatly concerned that the committee has not had a thorough analysis of the

issues and has not drawn enough attention to what I consider to be the voice that has no voice, and that is the children of future generations of Canadians. I am greatly concerned about the children of our future, as they must be protected.

A stable home with a mother and father is the foundation of our civilization. Although it cannot in today's age always be attainable, it is something that we should work toward and maintain and keep secure.

I would like to begin by summarizing my position and state emphatically that the bill is about social policy. It is not about charter rights and in no way can it be expressed that the definition of marriage itself is an inalienable human right. I have argued constitutional and charter cases protecting minority rights in northern Alberta. I have immediate family members who are members of visible minorities, including the homosexual community, Métis and treaty communities. This is why I will not support any legislation that infringes upon the rights of any Canadian. I believe Bill C-38 will do so.

I believe in this case the Government of Canada is taking one group's position over another group's position and is therefore infringing upon the rights of that other group. I believe strongly that the Charter of Rights must be respected and the rights of all minorities must be protected, not just the rights of the homosexual community but also the rights of the heterosexual community, especially religious groups, and the rights of children, which must be of paramount concern in this case. That is why I support the traditional definition of marriage.

I have risen in the House before and given this same argument, but I like the argument so I will give it again. I believe words have three parts: the first is the word itself; the second is the meaning that describes the word; and the third are the rights and obligations that flow from the word. I believe the word "marriage" is no different from that and it is no exception. It identifies a group of individuals within our society. In this case the group that it describes is the relationship between one man and one woman to the exclusion of all others in a state-recognized contract, nothing more, nothing less.

It is my position that the rights and obligations that flow from this word need to be extended to other groups that have not even been a part of this discussion, other minority groups that are not protected. I would submit those other groups should receive not only the rights of married couples, but also the obligations of married couples which are so obviously and continuously ignored.

As the leader of the official opposition has stated time after time, we must respect all Canadians regardless of sexual orientation. All couples who apply for solemnization of their relationship should receive that respect and the rights and obligations of married couples. However, this can be done without changing the definition of marriage.

I also believe we should send a clear message of protecting minority rights to another minority, and that is the minority of common-law couples who have been in cohabitation for a certain period of time. Some provinces in Canada currently do this, but this is a place where we as legislators should move forward and protect the rights of individuals which are at this stage taken for granted.

*Government Orders*

•(1605)

Each of these groups, though, should be defined individually. Let us face it, the relationship is different between a man and a man, a man and a woman and a woman and a woman. All these groups should have the same rights and obligations under the law and should be respected equally.

In terms of protecting rights, it is also my belief that as members of this House we must protect the rights of those who have already entered into marriage, believing that it is a contract between them with specific terms. We must protect the rights of those people who have no voice, who have no vote here today and have no vote even to elect us as members. They are the future generations of children who have been ignored by the legislation and will be the cost of our society.

Protecting rights is a dual obligation though. Just as with every right comes a corresponding obligation, receiving a right can sometimes infringe upon other people's rights and expectations. Respect works both ways. If Bill C-38 is passed, there is no question that we will infringe dramatically on the rights of people and groups within our society.

If we want our beliefs respected, then we should respect others, but it is reciprocal and they should respect our beliefs as well. With mutual respect comes the end of bigotry, hate and prejudice, and this is what I seek: a utopia where we can all get along, not just in Canada but in the entire world.

The Conservative Party is calling for a free vote. I would challenge the members opposite to allow their members, even the members of the government, to have a free vote so they can express and take the ramifications of their decisions on that final day, election day, when it does come.

We in the Conservative Party respect the supremacy of Parliament. I believe we should respect the will of Canadians and vote that way while at the same time protect minorities. With the agenda and policy that Conservatives have put forward, that can be done.

In my constituency of Fort McMurray—Athabasca in northern Alberta, I had less than 12 responses in favour of same sex marriages. I had almost 2,000 responses wanting the traditional definition of marriage maintained but at the same time protecting the rights of all society and all groups in society.

We have taken a reasonable compromise position that should be more thoroughly analyzed. I believe and would suggest that it would protect the rights of minorities. At the same time, it would be consistent with the views of a vast majority of Canadians. We want to recognize the traditional definition of marriage without detracting from the rights and obligations of people in same sex relationships.

Here is a reminder. After hearing evidence at committee, it is obvious that 99% of the world's population continues to honour the traditional definition of marriage. That means 99% of the world, except for Canada, possibly and a few other nations in the world, take the position of the Conservative Party.

We want to create the status of civil union. I would suggest to the party opposite that it is not too late to recognize civil unions but at the same time give identical rights to all groups. With Bill C-38

passing, I foresee serious threat to religious freedoms, more serious than I thought originally before I sat in the committee. I believe charitable statuses will be taken away, that it will affect the ability to preach sacred text and ultimately force the change to the text itself, including the Bible and the Quran. I can see that in the near future being part and parcel of passing Bill C-38. It will simply not protect religious freedoms or religious institutions.

Finally, the Conservative Party represents the only middle ground, the only compromise position on the debate from any political party. Canada's law should reflect the priorities of Canadian society while protecting the rights of all minorities. We should be following the will of Canadians. We are elected and we are answerable to them, so why are we not following the will of Canadians?

The Conservative Party has proved that we will respect both sides of the debate and all Canadians equally. Now it is time for other members of the House and other Canadians to do the same. In 25 or 50 years, when Canada reaps what it sows from this Liberal same sex social experiment, Canada and Canadians will be able to look back and see that we in the Conservative Party had the best interests of Canada in our hearts, our minds and our words.

My opinion is the terms of reference of the Bill C-38 legislative committee were a farce. With respect to how it was run, I believe the timeframes were ridiculous, the witnesses and the research materials were impossible to logically study. The time and the witnesses were quite frankly disrespected because they did not have time to prepare and provide proper analyses.

•(1610)

It is obvious to me that although the rule of law and due process are requirements of all Canadians, the courts and tribunals, it is not necessary in this House of Commons and it is shameful. The House is supposed to represent the people of Canada. Those Liberals in control of this agenda should be absolutely ashamed of how it was run.

•(1615)

**Mr. Andrew Scheer (Regina—Qu'Appelle, CPC):** Mr. Speaker, I have two quick questions for my colleague. I had the opportunity to sit on one of the legislative committees. He touched on it briefly in his speech.

First, does he think this legislative committee process was a valid way to study the impact and issues surrounding Bill C-38?

We have heard from a former Liberal MP, now an independent MP, who was so disgusted by the way the rules were set up. With the heavy-handedness of the government, it was going to ram this committee along, lump all the witnesses together, preventing people to speak against the idea of homosexual marriage or from having a reasoned and timely way to express their opposition to it.

Second, does he think the Liberal MPs, who pretend to be in opposition to homosexual marriage, are being truthful with their own constituents? Time and time again when they have the opportunity to put the nail in the coffin for Bill C-38, to stand up for what their constituents want them to do and to vote on their behalf, they have voted with the government. They have obeyed their political masters in the Prime Minister's office rather than the voters in their ridings.

*Government Orders*

**Mr. Brian Jean:** Mr. Speaker, I mentioned that I believed the legislative process was a farce.

With respect to the hon. member who ran the committee, he did an excellent job. However, this is no valid way to study it.

I was plopped in there. We did not receive any reports beforehand. Many of the witnesses complained they had received only 24 hours notice to testify. They received 24 hours notice to prepare a presentation to a committee that was supposed to study the ramifications of Bill C-38, which could be astronomical for our social policy in the future.

There was no timeframe. The committee heard from 55 witnesses. I still have not received some of the reports. I have only read two or three of them because that is all I received before questioning. We had four days in a row of six hours of committee work, working through supper and through different meetings. There was not enough time to study the ramifications of it.

I believe the committee itself was a farce. It was a put on. I do not think anyone, except for maybe some of the members of this side of the House, even read most of the briefs and presentations put forward. They certainly did so with an open mind, compared to other members of the committee.

As far as the member's second question, I cannot speak specifically to those people on the other side of the House. I think it is a situation where they have had the ability to topple the government and stop Bill C-38 if that were the wish of their constituents.

I believe, no matter what happens here today, that we should follow as a House and as members of the House the will of our constituents. I believe the will of Canada overall is to not have Bill C-38 go forward and to have it stopped today. It should stop today.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I wish to respond to the charges the member has again levelled against the process in the committee. He has done this consistently throughout the committee hearings and again today in his speech.

He says that witnesses were not given enough time to prepare. We have known that this has been on the public agenda for many months and many years. I do not think there was one organization in the country, which was interested in the whole question of gay and lesbian marriage or same sex marriage, that was not well prepared at a moment's notice to appear and make its feelings and understanding of these issues known.

Most of the groups had websites up and running with all of their statements gathered there ready to go. There is no question that people were aware the debate would be happening and were aware of the timing of that.

More than that, the Conservatives on the committee agreed to the timing of hearing witnesses. There was unanimous agreement on the committee about the timing of our hearings. There was unanimous agreement about the number of witnesses that we were going to hear. In fact, the committee bent over backwards to hear extra witnesses from the Conservatives' list of proposed witnesses.

We went out of our way to deal with that. We had fair and open hearings. I read the work. I did the homework and was prepared to question the witnesses as they appeared.

Did the member not agree to the timing of the committee hearings? Did he not agree to when we would hear witnesses? Was he not part of that agreement at the committee, as we all were?

• (1620)

**Mr. Brian Jean:** Mr. Speaker, the answer, in short, is no, I was not part of that decision making process. No, I did not agree to having those witnesses shoved through committee so quickly and the procedural unfairness that went forward.

I would like to read a letter from the clerk of the committee as a result of that decision. The letter reads:

As a result of this decision, I had to contact 57 witnesses for the hearings, right after the end of the May 30th meeting. Based on that final list, I called the witnesses to invite them to appear on May 31st and the subsequent meetings and because of the committee's decision to hear those 57 witnesses in a short period of time, some of the witnesses had less time to prepare, especially those who appeared on May 31st, June 1st and June 2nd.

How many witnesses were not able to appear before the committee that were invited to testify?

On the final list, 7 persons or organizations declined our invitation....

They could not appear because they did not have time to prepare. It was procedurally a joke. I would use the example of Bill C-48 last week. We knew it was on the agenda but all of a sudden a fast one was pulled and we were called in from airports and everywhere else around the country in order to vote on something with half an hour or an hour's notice.

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the hon. member's logic during his speech was that marriage is there at least in part for children. If he says that marriage is really an institution for children, is he saying that heterosexual couples who are incapable of having children, for instance post-menopausal women, ought not to be allowed to get married? I think that is an important question if the member's logic is based on marriage being an institution primarily to support children.

We are all aware that there are gays and lesbians within Canada who are adopting children. If the member believes that marriage and the stable environment provided by marriage is good for children, should those gay and lesbian families with children and the children in those families not be given the opportunity to have the stability and benefit of marriage?

I do think stability is provided by marriage and that it is good for children, and he has expressed that, therefore, as such, why would he discriminate against those children being adopted by gays and lesbians?

**Mr. Brian Jean:** Mr. Speaker, I never saw the member at any of the committee meetings listening to any of the experts. I doubt very much that he has read any of the material that has come forward from these experts. Psychologists and people in the field have been listening to this.

*Government Orders*

The point is that we did not have the time to analyze and investigate the information but it is there. Should we not take the time to step back, take a breath of fresh air and properly and appropriately analyze the material that was brought forward by the experts, even government experts, to see what the impact will be on children? Should we not take a look at the science and analyze it to make proper decisions?

My colleague across the floor should have opened the book on the Conservative agenda and he would have seen that civil union would have been enough to satisfy his concerns.

**Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.):** Mr. Speaker, my position on this has been clear, even before the nomination for candidate process. During last year's election my position continued to be consistently and concisely stated.

I believe in retaining the traditional definition of marriage. I also believe that constitutional guarantees of religious freedom must be protected. That is why, simply and basically, I will support those who wish to retain those traditional values.

My support for this comes from the past 27 years of elected office. As a ward alderman, as a councillor at large and as mayor I was witness to many hundreds of anniversaries celebrating the institution of marriage. It is impossible not to share those values.

In representing the wishes of my constituents who live in Thunder Bay—Rainy River, a riding that stretches from the Manitoba border in the west to the Minnesota border in the southeast, I am representing their concerns and feelings.

The recent amendments enhancing religious freedoms, I believe, would go a long way to conciliation in recognizing the issues presented by churches and spiritual groups.

Clause 3 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.

Clause 3.1 states:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

I feel that is good legislation.

Over the past many months my four offices in Fort Francis, Atikokan, Thunder Bay and Ottawa have received thousands of communications. Cases of fax paper have been used and boxes of letterhead paper and envelopes have been used to reply to the constituents of Thunder Bay—Rainy River.

I do not possess the resources to personally reply to the innumerable amount of communications from those who do not reside in my riding but over the past few months I have presented three petitions to the Clerk of the House of Commons reading into the record that two were against civil marriage and one was in favour, reflecting what I believe is the general trend of a two-third split in people's feelings in my riding and generally across the country.

My offices average 1,500 e-mail a week, the largest percentage of course coming from outside my riding. I have received thousands of letters from all over the country and have personally replied to everyone in my riding, whether they are for or against the bill.

I regret not having a chance to speak to this bill previously but when I was ready to speak prior to second reading my time was preempted by international events. The vast majority of people, of course, understand that. I appreciate the opportunity now to go on the record.

I have had numerous scheduled meetings and of course thousands of opinions offered as I encounter my constituents. The one thing that is certain is that there are few yet undecided on this issue.

With eight provinces and one territory having made their legal decisions, there does not seem to be any argument left in anybody's mind that could possibly change someone else's mind.

From a federal perspective, my constituents would like to see this matter decided openly, democratically, fairly and, within reason, promptly. They have heard the debates but, more important, they have had a chance to convey their expressions to me, their elected representative.

Not everyone will be pleased but in my riding we have numerous other issues, mostly economic, that require their turn at the podium.

On paper, the numbers I have received in hard copy, that is, paper, such as letters, petitions, faxes or email, are as follows: against, 2,425, totalling 96% against; and for, 90, or 4%.

●(1625)

In reality, telephone calls, meetings and personal expressions from face to face encounters would even the numbers, I believe, to something closer to the Defend Marriage Canada's national marriage referendum.

Regarding that referendum, as of today, June 27, 141,229 votes have been cast with 62% opposed to the bill. My personal feeling is that in Thunder Bay—Rainy River we are close to this 60-40 split. After all these tens of thousands of Canadians letting me know how they feel, I am ready to cast my vote in democratic representation.

Although my position has been deemed worthy of public recording and most of my constituents who follow media recording are aware of my position, for some who hold extreme points of view that may never be enough.

I will take this vote and the responsibility it carries very seriously. I cannot, however, carry it with any phobic or hateful reaction. I am for the traditional definition and I do so to represent my constituents. I am for the protection of religious freedoms and believe the bill, with its enhanced amendments, would do that.

This topic has divided our country. Whether the legislation passes or fails in the forthcoming vote, there will remain some serious rifts on this volatile subject. The outcome of the vote is not a foregone conclusion, as third readings cannot be predicted absolutely.

*Routine Proceedings*

As legislators, it will be our role to be the peacemakers, to build the bridges and restore the values of tolerance and respect for the opinions of others. The passion of these debates confirms that civil marriage will continue to spark considerable discussion for many years to come. As a rights issue, there seems to be a considerable desire to reach an understanding.

• (1630)

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, I appreciate the hon. member standing to read his opinion on the issue but I would like to ask him how he feels about his party, particularly the cabinet ministers on his side, not being allowed to have a free vote on such a contentious issue.

In my opinion, the religious freedoms of the cabinet ministers themselves are being jeopardized by the member's own party that attests to protect religious freedom.

I suggest to the hon. member that when I consider things like his government changing the law with respect to high rent properties for Liberal senators in order to protect them and how it changed the law so that the GST, for example, can be charged in transporting our children, that really lacks credibility.

Does the hon. member actually believe that religious freedoms will be protected by a government that has no credibility?

**Mr. Ken Boshcoff:** Mr. Speaker, I guess one of the more disillusioning things, when we are talking about a subject such as this, is that innuendoes and aspersions have to be cast.

I would like to deal with the subject material. I really do not feel that if the hon. member is saying something about a policy position, he has to throw in the other invective. I can understand his frustration but, nonetheless, we try to be civil. I actually will be introducing a private member's bill on civility and decorum, so that if you are going to ask a question you get to the point of it.

**The Acting Speaker (Mr. Marcel Proulx):** May I remind the hon. member that comments are to be made through the Chair.

**Mr. Ken Boshcoff:** Mr. Speaker, although I made my decision before I became a candidate, I was still welcomed into the party, which has a range of amplitude for people to have that expression and those feelings. This party, to me, is the only party that really gives anybody that kind of opportunity. I feel quite good about that.

The question had to do with whether religious freedom is defined by the day. No, it is not and it is on the record which I actually had the chance to read. 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 is pretty straightforward.

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I thank the member for his presentation. He obviously went through a lengthy process to determine the will of his constituents. The reporting of such is very similar to a lot of other ridings in the country, mine included. I can appreciate the member on that side making this statement. He has been recorded as giving a previous statement in the House, which is very important as well.

So many times we have heard from the other side that religious freedoms are going to be protected, whether it is a pastor of a church or a priest. Bishop Henry is very outspoken on the issue of gay marriage. He has made it very clear that the state has a role to play

here and that it is not a human rights issue. It is beyond that. With that, of course, he has come up against a reaction, and that reaction is that a human rights tribunal has hauled him before it. He has also had a call from the tax department threatening his charitable status. As a man called to a position, in this case as a pastor, he now finds himself in what I suggest is a very strange predicament. For him the matter is clear. He is called to bring the truth to the people in the community, but he is under threat.

I would like the member to explain how that can happen and how this bill is going to protect him.

• (1635)

**Mr. Ken Boshcoff:** Mr. Speaker, I will respond in this way. Bishop Henry was also my bishop for a time, so I know he needs no help in overcoming his shyness. I know he has a level of passion and he articulates it extremely well. I believe in this country he has the opportunity to express himself, and there are many people who believe in what he says very strongly.

Having dealt with him on many other issues when he was bishop and I was mayor and a member of council, I know when he says something it comes from the heart, but he also backs it up with what he believes are firmly held beliefs and truths. I believe in this country, though, there is an amplitude that allows us to disagree within that framework.

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## ROUTINE PROCEEDINGS

[English]

### COMMITTEES OF THE HOUSE

JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS

**Hon. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, discussions have taken place and I believe you will find unanimous consent for the following motions. I would ask you to bear with me, Mr. Speaker, because there are several.

This has to do with consolidated travel and other motions regarding committees. I move:

That the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness be authorized to continue its deliberations relating to the study of the process for appointments to the federal judiciary beyond October 31, 2005 and to present its final report no later than December 15, 2005.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

• (1640)

### OFFICIAL LANGUAGES

**Hon. Karen Redman (Kitchener Centre, Lib.):** In addition, Mr. Speaker, I move:

### Government Orders

That, notwithstanding the Order made April 20, 2005, in relation to its study on the government action plan on official languages, the Standing Committee on Official Languages be authorized to travel to Bathurst, Eastern Township, Toronto, Windsor, Whitehorse, Vancouver, Saint Boniface and Sudbury, in October, 2005, and that the necessary staff do accompany the Committee.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

#### NATIONAL DEFENCE AND VETERANS AFFAIRS

**Hon. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, in addition, I move:

That, in relation to its study on Canada's defence policy and the future role of the Canadian Forces, the Standing Committee on National Defence and Veterans Affairs be authorized to travel (a) to Kingston, on September 22 and 23, 2005, (b) to Warsaw, Brussels and London, from October 8 to 14, 2005, and that the necessary staff do accompany the Committee.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

**Hon. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, in addition, I move:

That, in relation to its study on the International Policy Statement, the Standing Committee on Foreign Affairs and International Trade be authorized to travel to New York and Washington, from September 25 to 30, 2005, and that the necessary staff do accompany the Committee.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

#### FISHERIES AND OCEANS

**Hon. Karen Redman (Kitchener Centre, Lib.):** As well, Mr. Speaker, I move:

That, in relation to its study on Northern cod, including the events leading to the collapse of the fishery and the failure of the stock to reestablish itself since the moratorium, the Standing Committee on Fisheries and Oceans be authorized to travel to Bonavista, Clarenville and St. John's, from September 26 to October 1, 2005, and that the necessary staff do accompany the Committee.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

#### AGRICULTURE AND AGRI-FOOD

**Hon. Karen Redman (Kitchener Centre, Lib.):** As well, Mr. Speaker, I move:

That, in relation to its study on the progress of the Riding Mountain National Park Bovine Tuberculosis Monitoring and eradication programs, the Standing Committee

on Agriculture and Agri-Food be authorized to travel to Riding Mountain National Park Region of Manitoba during the week of October 3, 2005, and that the necessary staff do accompany the Committee.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

#### FINANCE

**Hon. Karen Redman (Kitchener Centre, Lib.):** Finally, Mr. Speaker, I move:

During its consideration of proceedings pursuant to Standing Order 83.1, the Standing Committee on Finance, together with any necessary staff, may travel within Canada and may authorize the broadcasting of its proceedings.

**The Acting Speaker (Mr. Marcel Proulx):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.  
(Motion agreed to)

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## GOVERNMENT ORDERS

[English]

### CIVIL MARRIAGE ACT

The House resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes, as reported (with amendments) from the committee, and of the motions in Group No. 1.

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Mr. Speaker, it is a pleasure and an honour to stand and debate Bill C-38. It is certainly a debate that has caused a lot of division among Canadians, and it is one where I think many of us are searching to find something within the debate that will actually unite us.

Unfortunately, I think this is an issue that Canadians have decided. They are either on one side of the debate or the other. I really suspect that we will not change a lot of opinions, that we will not turn many heads, and I do agree that it is time to have the debate out on this, to have the vote on it, and to move on as a Parliament.

Certainly the debate on same gender civil marriage—and I do want to emphasize the word “civil”—is an issue on which I have spent a great deal of personal time and research, and it is one where I have struggled to find balance. This is not an easy issue for many, but it is also not an issue on which I intend to abrogate my responsibility as a member of Parliament.

I can say to anyone in South Shore—St. Margaret's, the riding I am fortunate to represent, that I have approached this issue in an honest, straightforward, and methodical manner, and I plan to continue in that manner.

*Government Orders*

From the beginning of the discussion on same gender civil marriage, I have maintained that all of our religious institutions must be free to decide for themselves whether to sanction same gender marriage. Allow me to be very clear on this point. Paragraph 2(a) of the Charter of Rights and Freedoms gives extremely clear and unambiguous protection for religious freedom. People who say differently are using scare tactics. Our churches, mosques, synagogues, and temples in Canada will decide their own future on religious marriage, as they have up to this point.

I think it is extremely important to mention that we already have same gender religious marriage in Canada, that the United Church of Canada recognizes and some of our Anglican churches in Canada recognize same gender marriage now. They moved on this point before the Parliament of Canada. They did not wait for the Parliament of Canada. That is up to the churches. We could not say yes or no to them because they are independent of the legislative process.

Bill C-38 deals only with civil marriage, but it does go so far as to actually reinforce the protection for religious marriage in the preamble of the bill. Again, I think this is the strength of the bill, whereas nothing in the act affects the guarantee of freedom of conscience and religion, and in particular the freedom of members of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

Every day our churches refuse to perform marriages that are not in accordance with their religious beliefs. The Catholic church refuses to marry divorced couples. The Anglican church that I was brought up in refuses to marry divorced couples. Someone might find a priest who is friendly and may marry them, but that is their doctrine.

The church has always been clearly separate from the legislative process. They have always set their own rules. They have always had the ability to change the rules should the church itself decide to change them. I am very afraid that we could set a precedent in Parliament that turns that around, that we do start to tell the churches who they can and cannot marry. If we do not pass same gender civil marriage, are we de facto then saying to the United Church of Canada and the Anglican church that they cannot recognize same gender marriages, that they should not marry same gender couples, that they are not an independent religious institution? That is a question we should all be asking ourselves.

• (1645)

Parliament, on the other hand, has a responsibility to legislate same gender civil marriage. The only way Parliament cannot allow same gender civil marriage is to use the notwithstanding clause. I adamantly believe that this would be an abuse of civil rights which could lead to the erosion of other civil rights that Canadians have long carried. If we use the notwithstanding clause on this issue, what would prevent us from using it on other issues? I am not willing to agree to that in any way, shape or form.

I believe that my job as a member of Parliament is to be informed of all the ramifications surrounding an issue and vote on that issue to reflect the will of my constituents. I am well aware that every time I vote a group of people in Canada and a group of my own constituents will disagree with my position. Therefore, I try to the

best of my ability to base my decisions on fact, not on fear, and on reason, not on instinct.

I am well aware of the sensitivity of this issue and the almost visceral response that some people have to it. I have saved all the e-mails that have threatened my life, my kids and my family because that is a stance that is unacceptable. It does not matter which side of the debate one is on, that is unacceptable.

None of that, however, changes the fact that Parliament has to deal with same gender civil marriage. I have not made a rash or uninformed decision and I fully understand, I believe, that people are split roughly fifty-fifty on this issue. I have certainly considered the fact that the overwhelming majority of the public is willing to recognize same gender civil marriage but wants religious marriage to remain under the jurisdiction of our religious institutions.

I explained earlier that section 2(a) of the charter protects religious freedom. Parliament's responsibility is to study and make informed decisions about same gender civil marriage based on Parliament's role to legislate, guided, I would add, by the parameters of our Constitution and the Charter of Rights and Freedoms. It would be intellectually dishonest of me to say that Parliament does not have to legislate this.

Today Canada has varying forms of same gender marriage in eight provinces and one territory. This includes a decision by the Supreme Court of Nova Scotia that has led the way to same sex civil marriage in my own province. A recent decision has led the way to same sex civil marriage in the province of New Brunswick.

I am absolutely satisfied that churches are protected and are masters of their own destiny. I have explained in a couple of instances already where that has proven to be true throughout the ages. Therefore, they can refuse to marry same gender couples or, like some of our churches today, they can choose to marry same gender couples. It is clearly their decision for religious marriage, not Parliament's.

For civil marriage, however, government has only two options. The government can challenge the provincial supreme court decisions, which the provinces have already chosen not to do, or it can legislate civil marriage. I have carefully reviewed both options and agree with the government's decision to proceed with legislation on same gender civil marriage, as eight provinces and one territory have already done.

I am frankly astounded by the reaction of some parliamentarians, who in the past have criticized the Supreme Court of Canada for making decisions they thought should best be left to parliamentarians. Now, some of those same parliamentarians are saying the government should litigate and not legislate.

*Government Orders*

Frankly, I am also surprised at the clarity of the language in Bill C-38, at the lack of ambiguity and the clear protection for religious marriage because of the protection of the charter. I am not used to this type of clarity from the Liberals and generally expect to find legislation riddled with mistakes. Bill C-38 is one of the few pieces of their legislation I have analyzed that is not.

• (1650)

In summary, I note that Bill C-38 has done what I believe it has needed to do in order for me to support it. It has clearly protected religious marriage while allowing for the civil marriage of same gender couples.

I realize that not everyone will agree with same gender civil marriage. Some will continue to say that a civil union is good enough, but I respectfully disagree. This was the same argument that was used to justify segregated schools in the United States and was struck down in the now landmark *Brown v. Board of Education* case, which ruled that separate is not equal. I feel certain that the same result would befall any similar legislation here.

I also know at first hand the entrenched views of many people who would deny the right of civil marriage to same gender couples, yet I know that there is a lot of tolerance in this country. Often I hear that there is less tolerance in rural Canada, but I believe there is as much tolerance in rural Canada as there is in urban Canada, whether the issue is same gender civil marriage or any other issue that is put before people. I represent a rural riding in a very conservative part of the country that is as religious as any other part of this country. I can say for a fact that there is room in most of this country to accept divergent views and to accept the right of couples who are in a committed relationship to further commit to that relationship through civil marriage.

**Mr. Charles Hubbard (Miramichi, Lib.):** Mr. Speaker, it is very interesting to hear the hon. member for South Shore—St. Margaret's talk about the very conservative constituency he represents. I assume that is because he is here representing that party, but when he reassures us that the majority of people in that area support the bill, it certainly may further his argument on the so-called charter or bill of rights. There are many who disagree with the charter in terms of what his interpretation is.

Perhaps he could tell the House in terms of the bill of rights and the charters in so many countries, what other country includes marriage as a charter right under its charter or bill of rights?

**Mr. Gerald Keddy:** Mr. Speaker, that is not an area of expertise that I have. I do not know how many other countries actually include marriage in the charter. That is my honest answer.

There is a question that I constantly ask myself about the civil marriage argument versus the civil union argument, and quite a few people use the member's question to lead into it. What would have happened in this country in the days when we first brought in civil marriage for opposite sex couples had we brought in civil unions? Had we done that, I think the civil union argument would work. We did not do that.

We also should ask ourselves why we have civil marriage. We brought in civil marriage because our religious institutions refused to marry certain people. Therefore, to give women proprietary rights

and hereditary rights when their husbands died, we brought in civil marriage; if they were not married in a church they did not have those rights. We also brought in the civil marriage act to legitimize children born from those marriages.

We have to ask ourselves a number of questions. I appreciate the member's question, but I think there is a real legitimacy to having civil marriage and having it recognized by Parliament.

• (1655)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, I would like to take a few minutes to thank the hon. member for what I think is one of the finest speeches I have heard in this House on this issue. In particular, what struck me about the member's speech was the fact that he was speaking without the rhetoric and without the attacks that we have heard on this issue.

I also represent a rural riding. When an issue such as this comes up in a rural riding it is definitely contentious, but what I find people are more uncomfortable with than the issue of civil marriage is this false Manichean divide that exists between the so-called enlightened and the so-called dark forces and the kind of bile and attacks that have been laid out in this campaign time after time. That is what people in my constituency are growing more and more uncomfortable with.

Like the hon. member, I have received hundreds of letters attacking and ridiculing people of faith who believe that civil marriage should go forward. They have attacked us because we are considered not religiously proper enough, which I find is a falsehood.

I could live with that because people are sincere and concerned and feel strongly about this, but what I have a hard time accepting is the sight of politicians standing up and treating themselves as paragons of moral virtue, lording it over us on how the family should be. Most families I know have a hard enough time getting by. In most families, people have agreed to marry their loved ones and have done it with the best of intentions. Some are undermined over the years and their marriages break up. Do we condemn those people? No, we do not. Do we say that their children are failures? No, we do not. Or do we say that if those families cannot have children they are failures? No, we do not.

Fundamentally, marriage is two people trying to build a relationship in the long term. This is what it fundamentally is. When I see politicians standing up and offering their example as something that we have to look up to morally, I find that very surprising, because at the end of the day I do not think this is a matter of one party having truth or not.

On this issue, I feel that as members of Parliament we came here all of us in good conscience, all of us having to come together, all of us having to vote, and at the end of the day it does not make someone better or worse for having made the decision.

I would like to ask the hon. member if he feels that at the end of the day the best we can do as parliamentarians is to vote according to how we think is best for moving this society forward.

*Government Orders*

**The Acting Speaker (Mr. Marcel Proulx):** We have run out of time. Very briefly, the hon. member for South Shore—St. Margaret's.

**Mr. Gerald Keddy:** Mr. Speaker, there were several questions. I will be very quick. I think the one question I would like to answer is actually about the fact that this is an issue that divides Canadians. Like the member, I represent a rural riding. It is a very difficult and complex issue. I think the member may have said that the majority of people favour this issue. In my riding, my constituents are very clearly divided, fifty-fifty. There is another 20% who actually have not said where they stand or have not determined where they stand.

For me, the issue is that this puts the ball back in our court. We have a responsibility as parliamentarians. We have a responsibility to be straightforward, clear and honest in our debate on this issue and then to vote on it, and then to move on and hopefully represent our constituents and Canadians who want nothing more here than equality before the courts and equality with civil marriage.

• (1700)

**Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, I find myself in a somewhat ironic position from this side, in that I am speaking against the bill. I think it is a bill that cannot be redeemed and is fatally flawed.

**An hon. member:** It just goes to show there is democracy in the Liberal caucus.

**Hon. John McKay:** Mr. Speaker, my hon. colleague reminds me of the democracy that prevails in the Liberal caucus, which is true. It is a fairly highly contentious caucus from time to time over a variety of issues, not the least of which is this one. It is also ironic that just as the public is starting to engage in this debate, we are now moving to a vote.

I hear hon. members argue that we have been talking about this for years now, incorporating the travelling road show that we had with the justice committee, et cetera, on which the justice committee of course could not report because the court of appeal pre-empted the decision. Actually there has not been that much debate other than the hearings that have been held by the legislative committee over the last few weeks.

I know that both sides of this debate are, frankly, heartily sick of the debate. They just want it to end. They think that because the debate is ending the issue is going to go away. I respectfully suggest that this is just the beginning of the end.

This bill will revolutionize the way we think about marriage in this country. I would analogize it to the way in which the Divorce Act back in the 1970s under the late Prime Minister Trudeau revolutionized the issue of divorce in this country.

Who would have thought at that time that by making very minor and arguably insignificant changes to the Divorce Act, it would create a divorce culture where a considerable percentage of marriages now end in divorce? Who would have thought that we would create a feminization of poverty? It is women and children who pay the bills at the end of the day with respect to the marriage breakups. Who would have thought that we would have created a culture in which parents and children are increasingly disconnected, largely to the detriment of the children?

Small changes in law inevitably lead to large societal changes. I would argue that this small change is in fact going to lead to a large societal change.

The Government of Canada wishes us to believe that we are changing the definition of civil marriage. The previous speaker laid great emphasis on the notion that this is a civil marriage change, but I would beg to differ with the hon. member who previously spoke. This is a distinction without a difference. This bill changes the meaning of marriage, period. It is a profound bill. It changes the way in which Canadians think about the institution of marriage.

Trying to make distinctions between civil marriage and religious marriage or any other kind of marriage in my respectful opinion is nonsense. Marriage under Bill C-38 requires no gender difference. Therefore, anybody who believes that marriage requires a gender difference, that it is between a male and a female, is by definition a bigot. Look at the preamble:

WHEREAS, in light of those considerations, the Parliament of Canada's commitment to uphold the right to equality without discrimination precludes the use of section 33 of the Canadian Charter of Rights and Freedoms to deny the right of couples of the same sex to equal access to marriage for civil purposes;

Anyone who believes differently is in implicit violation of the law. The preamble declares that the view of marriage which requires no sex difference prevails in all matters, and anyone who believes otherwise is a bigot. We could line up all the priests, rabbis, imams and pastors from here to Montreal and back, and frankly it would make no difference. Seventy per cent of Canadians believe that marriage is between a man and a woman. With the passage of this bill, that 70% will be the new class of bigots in our society, and they will feel the wrath of transgressing this law very shortly. The state of course cannot sanction bigotry, so clause 3 of the bill must fail, because it pretends to protect and it cannot. It simply cannot.

• (1705)

Those Canadians who take the view, as do many of us, that marriage is between a man and a woman are simply going to be on the wrong side of the law. Any person who refuses to marry two persons of the same gender is going to feel the effect of that law. We have already seen marriage commissioners fired for their perverse view that marriage requires a man and a woman.

Inevitably, a religious official will be set up and inevitably a prosecution will entail. Inevitably, under a human rights council or something else similar to a human rights commission, the person will be prosecuted and will be found guilty of discrimination. Frankly, there is no protection that this government or indeed any other can give to that perverse view that marriage is between a man and a woman.

In my view, Bill C-38 creates a whole new class of bigots for that strange and weird and crazy view that marriage is between a man and a woman. Why is it that these crazy bigots insist on this perverse view that marriage is between a man and a woman?

*Government Orders*

For thousands of years it has been the view of human beings throughout the world that when people entered into a state of marriage they all understood that marriage was something about sex and something about babies. No marriage, no babies; no babies, no marriage. It is not much more complicated than that. Life itself is more complicated, of course, but the institution in and of itself was central to the well-being of society and its perpetuation. The cross-generativity was and is the norm of most people's view of marriages.

Why is it that the laws of marriage and divorce are so complicated? I know that there are a number of men and women in this chamber who have studied law. They realize that the family law area is incredibly complex and has become incredibly complex over the period of time since the changes to the Divorce Act. One anticipates that it will become even more complex.

If marriage is just about two people announcing to the world that he or she is my new best buddy, really who would care? Why would we have this whole set of complex laws?

In order to get to this close relationship theory of marriage, which is the theory that now replaces the theory that currently underpins marriage, we have to eliminate a lot of inconvenient beliefs and facts. We have to believe that a cross-gender relationship that leads to the bridging of the sex difference is of no consequence. We have to believe that babies that result from a sex difference are not important to the marriage bond. We have to believe that how babies come into this world makes no difference to the child.

Why does society insist on this very public commitment of a male to a female and a female to a male? Why does it create law to protect the female and the child during the very vulnerable period of baby making and baby rearing? Why do we make it so difficult to be divorced? If in fact the law was just about two people getting together and announcing their commitment to each other, what would be the point of all of these divorce and family laws?

The only answer is that society gets its existence out of marriage. Society builds up elaborate rituals, religious and others, and laws to ensure that it continues. It is the way that the male is brought into the system and that the female is protected. Marriage reaches forward into future generations and it connects back into previous generations. It says to society at large, "We will perpetuate you; you, society, through your rituals and your laws, protect us".

Under the close personal relationship theory of this bill, which is the theory that underlies the bill and underlies the decisions of the court, everyone should have a buddy, all of that becomes irrelevant. I would point again to the preamble:

WHEREAS marriage is a fundamental institution in Canadian society and the Parliament of Canada has a responsibility to support that institution because it strengthens commitment in relationships and represents the foundation of family life for many Canadians;

It is the foundation for family formation. When marriage is degraded to simply a public declaration of one's best buddy, then the institution of marriage becomes meaningless.

• (1710)

The other area I object to in the bill is the delinking of children from their DNA and biology. In order to do that, we have to put in a consequential amendment, because now a child will have its parent

determined by a judge. It will be a judge who says is a child's parent. I think this is a retrograde step, but it is a necessary consequential amendment.

The bill is seriously flawed. It should be defeated. It changes the public meaning of marriage. It creates a whole new class of bigots. It delinks children from marriage. It cannot be amended and it should be defeated.

**Mr. Art Hanger (Calgary Northeast, CPC):** Madam Speaker, I listened very carefully to the comments by the hon. member for Scarborough—Guildwood. I have to say that I appreciated them.

I, too, agree that the bill is fatally flawed. He pointed that out and gave reasons in several areas in the allotted time he had, but I am sure he had others.

The member is a man who believes in God. He understands the ramifications of the bill. He mentioned those very things in his statement today. Given that, obviously there will be preachers around who will run into a few problems. There may even be people like you, Madam Speaker, or the member who just spoke, or me who have faith in God and may want to advise somebody else.

I will read a short passage and I will ask the member how the bill will protect the preacher who reads it. It comes from a book called the Bible. It is from Corinthians:

Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals, nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, will inherit the kingdom of God.

Those are pretty straightforward words and, I might say, that is only one portion of the scripture that contains such words. Given that, when we look at the pressures the preachers in this country may inherit, how will the bill protect them? Where will it end? Will they end up like Bishop Henry in front of a human rights tribunal?

**Hon. John McKay:** Madam Speaker, we seem to be having a lot of scripture quoted in the chamber. I am reminded that the devil can quote scripture as well as anyone.

The hon. member actually raised an interesting issue in a broader context. Rather than comment on the specific passage, if I were a preacher who was thinking about preaching on that particular section on Sunday morning, I think I would want to take some legal advice.

The interesting point that relates to the bill itself has to do with the faith protection for religious authorities which, in my view, cannot stand, but there is no protection for those who do not ground themselves in a faith based analysis or argument. That is regrettable, because the charter protects not only freedom of religion, it is supposed to protect freedom of conscience as well.

If a person simply grounded his or her argument on the basis of philosophy or some non-religious text, that person would be in more trouble than if he or she grounded his or her views on marriage in a religious area.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I am pleased the member participated in the debate. He has done a lot of work in the area.

*Government Orders*

His comment on delinking children from their parents is something which has not received the intense scrutiny it should have received.

I note in his speech back on March 21 in this place he gave the example of the Netherlands where the rate of marriage declined 10% each year after changes to the definition of marriage were introduced. In 2004 it declined between 3% and 4%, to the point now where 61% of children are born outside marriage.

The question for the member is have we spent too much time talking about the implications of these changes to adults, and have we forgotten to talk about the implications of these changes to society as a whole through its children?

• (1715)

**Hon. John McKay:** Madam Speaker, the hon. member raises a really interesting area of discussion. Indeed, until now it has been run by the courts. It has been basically a rights based argument. It is a disingenuous rights based argument because it starts with a conclusion, goes full circle and arrives at the conclusion it starts with.

Nevertheless, the hon. member is correct. This should be based upon social policy analysis of what is good for society. I would argue that anything that de-links children from their parents on a DNA or biological basis, as this bill purports to do in its consequential amendments, is in and of itself bad for society, is a destabilizing factor in society, and that area has not been discussed.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Madam Speaker, I am honoured to rise today in the House to speak against this bill. It takes a lot for all members to be in the House today. In fact, as we speak, my daughter is on her way to her graduation. I feel very strongly that we as parliamentarians have to be here to stand firmly for the kinds of things that need to be addressed.

This issue should not be before Parliament today. This is something that we as parliamentarians need to deal with in our own homes because we live in a democratic society, and in a democratic society we have the freedom of choice. We are here today because we have to take care of the nation's business. The people of Kildonan—St. Paul sent me here to deal with the nation's business.

When we rise to speak, we must speak from the heart and think of our families. This issue has become too political. This is about democracy. In our great nation we have the freedom of speech, the freedom of religion, and the freedom to live the kind of lives that we choose to live. Making a law that will cause marriage to just go away with the stroke of a pen late at night and probably some time this week is wrong. It is wrong to do that. I am baffled as to why Bill C-38 is before Parliament.

I believe in the definition of marriage as being the union of one man and one woman to the exclusion of all others. Marriage does have its problems. Divorce happens. Other things happen, but it is the fundamental fabric for which we stand for in our great country.

I also believe in people's right to choose. I believe people in same sex unions or same sex relationships should have all the benefits they deserve in terms of financial benefits and charter freedoms. Bill C-38 would change the very fabric of our country. Members have come to

the House to discuss this issue and have missed graduations or weddings. Our constituents elected us to stand up for what is right and to be brave and have courage.

I cannot stand in the House of Commons and not put my remarks on the record for the sake of our great nation. I represent my riding of Kildonan—St. Paul and over 85% of my constituents have told me that they want the definition of marriage retained as being the union of one man and one woman to the exclusion of all others.

They have also told me that they do not want to be discriminatory. They do not want to tell somebody else how to live their life. How people live comes from their heart. That is what democracy is about. It is about the choices we make. When we make choices, we have to live with them.

My daughter knows that I am standing here today as a member of Parliament and as a mom, and discussing the business of our nation, so that when she graduates, she will be able to have those choices. If she decides to get married, she will know that the meaning of marriage is the union of a man and a woman. If she chooses otherwise, it will be her choice. The definition of marriage will not go away in the dark of night with the stroke of a pen.

Many things cause us to question Bill C-38. First, how in the world could a government in 1999 say it would not change the definition of marriage and then turn around today with this piece of legislation?

• (1720)

I will quote from the Deputy Prime Minister's letter dated April 24, 1998:

—the definition of marriage is already clear in law in Canada as the union of two persons of the opposite sex. Counsel from my department have successfully defended and will continue to defend this concept of marriage in the court...I continue to believe that it is not necessary to change well understood concepts of spouse and marriage to deal with any fairness considerations the courts and tribunals may find.

She could have written my speech today because that is exactly where I stand, defending the right of one man and one woman to marry, defending their right to propagate and have children, and defending the right for them to make a choice.

I am also here defending the right of same sex couples to make that choice, to have financial benefit and live as they choose. I am defending that right because it is called democracy. In our family we have spent our lives, generations of people, standing up for the democracy that we have here in our great nation.

My father went to war during the second world war and defended our country. He did not come back to tell people how to live. He did not come back to say that there had to be rules and regulations. I am appalled that the bill is before Parliament today because it is not a bill about equality. It is a bill about discrimination against people who are now married and have been married for years. As members of Parliament, we sign certificates congratulating our constituents for 20, 50, or 60 years of marriage. I signed one the other day for 65 years of marriage.

*Government Orders*

This is something special. That is not to say that marriage is perfect and I hope my husband is not listening now. I can say quite categorically that it is not always perfect, but it is something that I would not trade for all the world. Over and above that, I would not trade as a member of Parliament the democratic right to make those choices.

Today we have heard so many arguments. We have gone through the bill. We have stated our ground back and forth. Today I am here because I needed to speak to the bill and make my words known. It is very wrong to have this bill before Parliament and I certainly will be voting against it. I would call on all members from all sides of the House to show the courage and vote against the bill, not party against party and not person against person but to vote for democracy.

•(1725)

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Madam Speaker, I listened with attention to the hon. member. Although I do not share her views, I congratulate her on her speech which I know was heartfelt.

I also want to take the occasion to wish my very best to her daughter who I believe is graduating. I say that as a father and grandfather. I have had occasion to deal with lots of that through the years. I certainly share her feelings having not always been where I wanted to be on special days with my family throughout all these years.

I do, nevertheless, respectfully indicate to her that I do not share the view that she expresses that this bill should not be before the House or that it somehow will create the kinds of changes that she is expressing.

Same sex couples are being married in eight Canadian provinces now, including my own province of Ontario. I do not recall what province the hon. member is from, but the only provinces where same sex couples are not being married are the provinces of Alberta and P.E.I.

In my own province the change is almost a year and a half or perhaps two years old and a number of same sex couples are being married.

I do not want to suggest here that I was strongly in favour or jubilant of the decision of the court. That is not the issue. However once a decision is made by the courts and rights are determined I hold the view that it is my duty—

**Mr. Brian Jean:** Those are your comments.

**Hon. Don Boudria:** Yes, this is questions or comments and this is my comment. Perhaps the hon. member will familiarize himself with that procedure. I welcome him to do so.

I want to ask the hon. member to react when I indicate to her that it is quite proper that this bill be before Parliament, quite proper for her to be against it and quite proper for me to be in favour of the measure and to express those views in the legislature in which we sit. No one is coercing me to vote in favour of the measure. I am not even running again in the next election. However I feel this is right because the courts have so decided and that is the view I hold.

I want her to comment, if she will, and hopefully to have her change her mind, not on the position that she holds, but on the fact that we have every right and it is our duty to be voting on issues like this. I only wish we had done it some time ago so we would not have caused some of these conditions in which we are living right now.

**Mrs. Joy Smith:** Madam Speaker, I would disagree with the hon. member. The gravity of this kind of issue should not be in this House at least until a referendum is held. The fact is that a referendum has not gone out to our nation to ask how our nation feels.

A referendum went out to my constituency to ensure I was representing my people very well. and I am, but I am also representing my own personal opinion because I believe in democracy.

This issue is fundamental to our nation and fundamental to our social fabric. We have families. People all across our nation have opinions. This is too premature to be in this House of Parliament. We are being forced to vote on this bill. Deals are being made behind closed doors and people are talking. I think this does a disservice to the Canadian public and it bothers me, which is why I am here today.

•(1730)

**Mr. Kevin Sorenson (Crowfoot, CPC):** Madam Speaker, I have the pleasure of sitting beside the member for Kildonan—St. Paul. I commend her for being here and representing her constituents as well as she does on this very important issue.

Many people on the Liberal side, the New Democrats and the Bloc say that extending marriage to include same sex unions is a human rights issue and yet so few countries accept that. The United Nations does not accept that.

Does the member believe that this is a fundamental human right or is this basically social engineering by a government that is corrupt and has lost touch?

**Mrs. Joy Smith:** Madam Speaker, I definitely think this bill is politically motivated and I think it is very harmful to our nation. It is also very divisive. It breaks my heart to see that in the House of Commons.

**Mr. Gerry Ritz (Battlefords—Lloydminster, CPC):** Madam Speaker, it is a pleasure to speak again to Bill C-38. We are in the dying days of a dying Parliament and we are discussing Bill C-38, same gender civil marriage. It follows on the heels of almost a preparatory motion that we passed in 1999 when a lot of the front bench of the Liberal Party said that they would never change it, that it was carved in stone, bedrocked in the country and that it would never happen.

Here we are, a short five years later, a couple of elections later and guess what is on the agenda?

Tomorrow is the one year anniversary of the minority Liberal Parliament and this particular issue certainly was not a flagship of its election platform. I guess the Liberals have to look in the mirror when they start talking about hidden agendas because here we go.

*Government Orders*

A lot of legislation that has come forward in this past year of a minority Parliament has been with the help of the government's buddies in the NDP and some of the Bloc, of course, which is why we are seeing legislation like this come forward. I tend to believe this is the right place for it to be.

We are able to go out and talk to our constituents and ascertain from them what direction they want us to go. In that vane, I did a householder. It is a little hard to quantify the numbers because it goes out to the household but in a lot of cases it came back with Mr., Mrs. and so many voting children who live in that household when they really only receive one particular sheet. We received somewhere in the neighbourhood of 2,500 to 3,000 responses, which goes far beyond a scientific survey. Most polling that is done in the country is on a 1,000 sample coast to coast to coast. Well I received 3,000 samples back in my riding of 73,000 to 74,000 people, so it is fairly indicative of what is happening out there.

Then I received a tremendous number of e-mails, letters, cards and so on from my own riding, as well as from other parts of the country, telling me not to back off on this and not to let this thin edge of the wedge start. I am standing here today committed to doing everything I can to see Bill C-38 hit the scrap heap.

I have gone through every piece of information I could get. I have had two responses from my riding saying that I am on the wrong side of the issue. I followed up on my householder and 12 or 15 that came in said that I should just let it go, that it was not going to affect them. I had two that followed up. One was from a United Church minister and the other was from a young law student who came at it from a little different direction. However the basic premise was that it would not change anything so I should just let it go, or the argument that somehow it is a human rights issue. I know it has been mentioned here before.

I grabbed the Canadian Charter of Rights and Freedoms and printed off a copy. I will be darned if I can find any mention of marriage in here at all of any description. If we look at the United Nations Universal Declaration of Human Rights, it tries to govern the world with its decrees and it does not even get into this debate. The European code that has been developed, with the whole European Union giving birth to a brand new continent of countries over there, does not even get into it, other than one of the members, Holland. Our own Canadian Charter of Rights and Freedoms has some pertinent clauses, but we start off with the preamble which says, "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law" , and yet we hear this constant argument that this has nothing to do with religious marriage and so on but our own charter says that we recognize the supremacy of God.

In the church to which I belong, the Catholic church, marriage is a sacrament, as it is in most other churches. We recognize the supremacy of God, the love of God and so on, when we do a marriage. I had the tremendous privilege this weekend of attending and participating in my daughter's wedding. I arrived a little late for the dress rehearsal the night before because of things that went on here until midnight Thursday and making plane connections. While I was driving the two hours to the community where the church is and the wedding was going to be held, I was thinking that this was the only legislation left on the Liberal agenda and we were going to

back Monday. I knew I would have to cut short my revelry with relations, friends and family and everything else because we were coming back to throw into the mix Bill C-38.

I felt a tremendous amount of pride. I even shed a couple of tears at the wedding of my daughter and the gentleman with whom she has chosen to spend the rest of her life. In reflecting on it, how would I have felt if it had been two women up there or two men? Would I have felt differently? Would I have been less of a proud parent? I do not think I would have been but I cannot for the life of me understand how two people of the same gender, sharing their lives under a civil union, or however it can be done now, how that would make it any different than the religious ceremony that I attended.

● (1735)

We had a Catholic priest, which is my daughter's religion, and a United Church minister, which is the religion of the gentleman she married. They coordinated and both took part in that service. However, as much as I tried to concentrate on the beautiful day that was unfolding, I could not help but slip back into wondering how this bill would change anything. I really cannot understand that.

As I said, there are some things in the charter that talk to that. I will quote from section 2:

Everyone has the following fundamental freedoms:

- a) freedom of conscience and religion;
- b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- c) freedom of peaceful assembly; and
- d) freedom of association.

It is already in there so nobody can take that away from people, regardless of their sexual orientation.

Section 7 says:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Maybe this is a justice issue. Maybe somehow we are denying them the justice of being married. One member on the Liberal side talked about how we have become a divorce society. That is justice gone wild. That is a perversion of marriage, and we have, because it is now available and it is an easy out.

I read a little article in my daughter's material that she received in her marriage preparation course. It was good advice for people who were getting married. It said that people had to remember and be assured that the better often follows the worse, as it is in the wedding vows when it talks about for better or for worse. I do not understand how this could be a lack of someone receiving justice.

I have heard subsection 15(1) bandied about here quite a bit. It reads:

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.

We seem to have covered everybody who lives in this beautiful country. They have access to everything everyone else has. There is nothing limited in that.

*Government Orders*

Then there is subsection 24(1) regarding enforcement:

Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

That is what really started all of this. We saw courts at the provincial level rule that they would not differentiate between people of same sex or people of opposite gender in getting married. A lot of people say that they went beyond where they needed to go. I think there was a tremendous vacuum there because this place had never really done its homework in that regard, and that came back in spades when the Prime Minister tried to hide behind an extra ruling he wanted the Supreme Court to make, an extra question he wanted asked, and they refused to answer it. They said that it was under his purview and that he should get out there and do the right thing. The courts said that they were being forced to uphold this because he had let it happen, that he had not stopped it at any of the provincial levels and that he had let it slide this far.

We are at this juncture now. We are playing catch-up and we are going about it all wrong.

Last but certainly not least, section 26 says:

The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

That is a bit of an open-ended section. We could add or subtract anything we want but with more addition than subtraction. I see that tossed around a lot that this is a rights thing, that somehow people are being denied their rights, but it does not show up in the charter at all. We are actually going back into the charter and, in some way, reinforcing that they are not being allowed to advance their cause. I really do not go for that argument at all.

We had a committee of the House of Commons struck under the justice committee and the Prime Minister used it as a bit of a shield for a time. I guess the shield shattered or did not stand up to the job because he lost one member of Parliament over that. The gentleman sits up here in this corner now, the member for London—Fanshawe. He did stay outside for awhile because he had a meeting with the Prime Minister who assured him that the committee would travel and that it would hear anybody who wanted to come and make a presentation before that committee in regard to this legislation because it was such a fundamental change. The member said that if he was going to do that then he would hang in. Well that did not happen. He attended the committee meetings himself and even tried to appear as a witness. They were having three or four witnesses at a time with limited timeframes and 24 hours' notice to come and make their representations to the committee. He felt that it was almost a kangaroo court.

• (1740)

There are some major concerns. We are pushing this through much quicker than we need to do. Year after year there have been fights. In the 30 years that I have been paying attention to politics, those in the homosexual community fought against labels. They did not want to be labelled. They knew they were different somehow. They knew they wanted to do things in their own right and they did not want any labels that the rest of society was putting on them. Now it seems they want a label that is near and dear to my heart, and the bill has gone too far.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I was looking at some of the history. Back in the fall of 2001, the Supreme Court of British Columbia had a case of dealing with this matter. The Attorney General of Canada argued that the objective of limiting marriage to opposite sex couples was sufficiently important to warrant infringing on the rights of same sex couples.

This decision was different from the one that came in July 2002 in *Halpern v. Canada* in the Ontario Supreme Court in which the justices ruled precisely the opposite. That is when it all changed.

My question for the member, however, is this. The Supreme Court of Canada, in dealing with the reference of the questions from the government, did not opine on the constitutionality of the traditional definition of marriage. It has concerned me, and I do not know whether it concerns that member, whether Canadians are entitled to know what the Supreme Court of Canada believes to be the facts with regard to the constitutionality of the traditional definition of marriage.

**Mr. Gerry Ritz:** Madam Speaker, I realize this has become a bit of a grey area. I would ask the member why we would defer to the courts in the first place. We are the supreme court of the land, in this building, in this chamber. We are the ones who answer to the people in the way that we are elected.

The Supreme Court answers basically to the laws that are made. It takes a look at them. It judges on them. It makes appeals and it makes rulings. There is not a lawyer who will not bring something to the Supreme Court if it is a juicy enough subject, the money is right and so on. That is the nature of our civil society. That is the way it is done.

However, I do not for the life of me understand why we, as the Parliament of the country, who basically write the rules and set them into play, would allow the courts to rewrite something that we really have not had a chance to work on ourselves.

I guess by ignoring it to this extent, the courts have gone ahead, moved into that vacuum and made some rulings with which the vast majority of Canadians do not agree. In fact, there is a lot of talk about judicial activism, that the judges have gone too far in certain areas and perhaps not far enough in other areas. There are loopholes and grey areas. We seem to write laws for lawyers and they will always be challenged.

Bill C-38 if and when we pass it in the form it is in will be challenged. There is no doubt in my mind. Arguments will go on for decades on either side of the issue.

Therefore, we are not really finishing anything here. This is the beginning, as I said, the thin edge of the wedge. We will see arguments go on into the next millennium over this issue. We will get into family situations. We will get into adoption. We will get into all sorts of things of which this is just the beginning.

Many people are saying that it is a rights issue, that somehow some rights are being denied. However, in our Constitution and in some decisions that were made in the late eighties any same sex couple has access to the rights and privileges of any opposite gender couple.

*Government Orders*

Really I cannot for the life of me understand what it is that they are missing out on at this point, and somehow Bill C-38 is going to be the panacea and make all of that right.

• (1745)

**Mr. Jeff Watson (Essex, CPC):** Madam Speaker, the very nature of marriage is that it is a procreative relationship. Homosexual unions lack this defining feature. Therefore, the inability to have children for heterosexual marriages because of age or physical dysfunction are exceptions to an established norm. The inability to procreate is a norm for homosexual relationships.

As a norm, homosexual relationships are different than traditional heterosexual marriages. The relationships are different, but Conservative policy calls for equal rights for homosexual relationships.

Is it not true that the Conservative Party takes a different but equal, not a separate but equal, approach to marriage? Should the Prime Minister back off his misguided approach to marriage and rights for homosexuals?

**Mr. Gerry Ritz:** Madam Speaker, I am not sure who does the strategy for the Prime Minister. The Liberals thought this would go through and be quite easy. They did a lot of polling with specific questions that were asked and so on which gave them the preordained conclusion for which they were looking.

However, I think they have a lot more than a tempest in a teapot that they thought they had. I think people are finally galvanized over an action. They see this as just the beginning of a lot more things that could come forward. It is almost governance by stealth would be the best way to describe it.

We have to ask ourselves on so many different levels, why this and why now in a minority Parliament? Certainly we have to respond to what the courts are doing but there are ways to do that.

There are ways to address a void if there is one in the Canadian Constitution. I cannot seem to find it. I am not a constitutional expert and I am not lawyer, but I cannot seem to find where anyone's rights are being withheld or circumvented at this point.

As I said, I do not think Bill C-38 will ever give the gay homosexual community what it is seeking.

[*Translation*]

**Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.):** Madam Speaker, I must voice an opinion I believe we all share. We have before us a bill proposing to change the definition of marriage to the union of two individuals, from the age-old definition of marriage of the union of two individuals of opposite sexes.

[*English*]

In my nearly 12 years as a member of Parliament I have seen a lot, certainly in terms of the evolution of this issue. After the issue of inclusion was debated in 1981-82, when I was working for a cabinet minister, the Charter of Rights and Freedoms was proclaimed and the Constitution was repatriated, I do not think there was a single member in the House of Commons or a premier who could have one day imagined that we would see a definition in something as fundamental to society as what is now being debated and by some imagination or standard being suggested will pass and pass easily.

Some people will say times change and that is just a pragmatic way of doing things, it is a trend and we have to flow with changing times. Some things are intrinsically immutable. In my view, marriage is a basis and foundation which cannot be simply changed by whim, by someone's definition of what is vogue or by someone else's view of how the world must change.

Canada is the only country as far as I know, and I stand to be corrected on this, that has accepted a modicum of change in marriage based on a claim of human rights. Let us understand how that took place.

I heard members talk about the fact that it is law in 9 or 10 provinces and territories, so why not take sort of a laissez-faire attitude, let lassitude to prevail, allow this to take its course and let Parliament rubber stamp what the courts have done. To Canadians who are deeply involved with this issue but who did not see it debated in the last election, let us be very clear about this point.

A lower court ruling was made in Ontario in 2002. I will not mention the name of the justice. The justice was appointed by the then prime minister, who immediately after that decision decided not to appeal it. He abrogated the legal responsibility we had to bring this matter to the Supreme Court of Canada, threw the towel in on marriage and allowed the definition to virtually change overnight. Other courts did not come to that view instantaneously. In fact, the issue of civil unions had been strongly considered.

• (1750)

[*Translation*]

We know that, in Quebec, the civil union issue has been a major concern. Numerous human rights experts are in agreement, and it could easily become common practice.

[*English*]

However, what really took place in my view was political sleight of hand at the time by the prime minister and the justice minister. By throwing in the towel on marriage, they effectively allowed a domino effect to occur. Other provinces were not prepared to go down that route because other courts in various provinces, including British Columbia, had resisted this.

However, I am not here to point fingers, but rather to ensure that there is an establishment of the facts.

The Supreme Court of Canada did not hold the view that marriage, as it currently exists, was unconstitutional. The hon. member for Mississauga South has spoken very eloquently on this and has defended this issue, as have many of the colleagues on this side of the House.

What is important to know is that if we are to pass any bill in the House of Commons, or any motion, it has to be worth something, not just be second-guessed by the courts, which clearly was not the case here. More important, we are not second-guessed by ourselves.

*Government Orders*

I was here as a member of Parliament only three years ago when a promise was made, and it was adopted unanimously, that Bill C-78 would ensure and would see that the definition of marriage would be retained. What has changed? Fully half of the House of Commons are members who voted on that and who supported the definition of marriage. They cannot make a claim of rights because rights did not occur as a result of the fact the Supreme Court did not really look at this.

What are we really dealing with here? It is a bill that is designed to give a new definition of marriage and to provide a basis for support or protection for certain religious officials and to provide at least an assurance that those who hold those views would not be persecuted. If a motion unanimously carried in the House of Commons is worthless, then it is my view that the paper on which this is written cannot be too far away from that conclusion.

What activist group, in the next three, four or five years, would begin to countenance the idea of challenging that which we hold true, the final frontier, the last line of defence?

Rights are not boundless and they do have a responsibility, but above all, a responsibility to the truth as to what marriage really represents.

Marriage represents more than just a religious connotation and more than just simply a sociological factor. It is the ties that bind and create the basis of society. Whether we like it or not, it is one of the most important rituals that has brought societies together. It is not by accident that when explorers in previous centuries went from culture to culture and from place to place, they found they had a form of right and that right was always of opposite sexes. That is not to exclude anyone but rather to reaffirm something very unique about that relationship. Therefore, the political side of this is also very difficult.

I campaigned very clearly where I stood on this issue in the last election. It was asked many times. I am not so sure the public understood the gravity of the issue. Not everybody knew this was going to be the ultimate fallout, that we would have legislation that would be the mirror opposite, a 180° difference, from what we had stood for a few years ago. However, what I understand is that a lot of Canadians have not had an opportunity to debate this. While I commend the justice committee for having looked at it, the reality is a previous justice committee did the exact same thing but was not allowed to report.

Again, we would have to wonder why a committee that spent time criss-crossing the country, that had done so much work, that what its conclusions or findings were, were that difficult that we refused to allow those definitions and those many hours of labour by both the committee of all sides of the House and Canadians to be reported.

I do not want to use the word, and the hon. member has made an utterance of a word, but I find it unacceptable that we would somehow want to rush this through to assume that everything can just change because it is time to make those changes or because we simply believe that the time has come and that we were all tired.

I have heard it said from a number of members of Parliament who are ambivalent but who are probably will support the legislation because they really do not want to see this as part of an election. I

have also had members say to me, "Wait long enough and the public will forget about it. So let's get it over with now".

• (1755)

I am sure that does not apply to most members here, but I can say to those members of Parliament who make those declarations, they will get neither because this issue is so important to Canadians. It is not that it detracts or derogates from others' rights or others' privileges, it is so fundamentally important to our sense of who we are, our sense of being.

The definition of marriage, the ritual which enjoins people of opposite sex, predates society. It predates the very civilization under which we fundamentally exist. We can simply say that we believe we can have this right, notwithstanding the new civil lexicon that says that marriage must be between two people and if not, we are not with the times. Rather than marginalizing people for holding these views, we have to do a better job of recognizing what it is that the House of Commons is attempting to do.

More than any other piece of legislation that is before the House, this legislation has a priority. The House can do better than that. It can reflect and represent the truth, and it can ensure that the public record is clear. Let us not take the public for granted. Every member of Parliament, although I am not going to convince them with my comments, cannot guarantee the protection of religious officials or teachers. Being that as it is, we have a higher obligation to protect that which is right unless we have an agenda which wants to go one step further and attack the very institutions which are the foundation of this land.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Madam Speaker, I would like to take this opportunity to commend the hon. parliamentary secretary on his speech. I agree with many of his comments. In 1999 the House passed a motion to uphold the traditional definition of marriage and use all necessary means to do that. Also in 2003, when the Ontario court ruling came down, the justice committee was holding hearings across the country and at that point had the opportunity to recommend to the government that there be an appeal of that Ontario court decision. It failed to do that.

I have a question for the hon. parliamentary secretary. In all sincerity, why does he believe that the government did not use all necessary means to uphold the traditional definition of marriage and why did the justice committee in 2003 not have the opportunity to push for an appeal on that Ontario court ruling?

**Hon. Dan McTeague:** Madam Speaker, I know how committed the member for Leeds—Grenville is to this issue and as a new member of Parliament he has taken a very strong stance on this issue. I know how important it was to take that stance. It is one of the reasons he is here.

It is fair to say that what in fact occurred was that we threw the towel in on marriage. We had an opportunity and indeed an obligation. The Prime Minister and justice minister of the day knew full well the resolution of the House of Commons. They chose to ignore and defy that and to go for a pass.

Instead, they said they would not defend marriage, they quit and they allowed a lower court ruling to now effectively permeate all the courts across the country. They would not even look at the issue of civil union. They would ensure this does not become an election issue and they would work around with the odd little word.

I can honestly say the hon. member's question is a good one, but it suggests that the ability to make decisions and make them hold is not here in this Parliament. The question as to whether or not Parliament can be effective is going to be continuously second guessed by either the executive as was the case, or by the judiciary. Let the record be very clear. We failed Parliament and we failed Parliament in 2003 on that decision by capitulating to a lower court ruling which is without precedent internationally.

• (1800)

**Mr. Gary Goodyear (Cambridge, CPC):** Madam Speaker, I would also like to compliment my colleague across the way for what appeared to be a very heartfelt and sincere speech. I agree with probably everything that he said. I, too, am a new member in the House, but I have been here long enough to know how games are played. In the last couple of weeks I have seen some incredible tricky political strategies to get things through that skirt around the democracy issue and maybe deplete the democratic process here in Canada.

Knowing full well that the only way to bring this bill down, members opposite did not vote against Bill C-48 last week. I absolutely accept that the member has a heartfelt concern about this,

#### *Government Orders*

but I question how deep that goes when knowing how to vote against the bill was not done by the members opposite.

**Hon. Dan McTeague:** Madam Speaker, let the record show that I have always stood firmly, no matter what the consequences were, on any issue.

In order to ensure this issue continues to be debated the next line of defence, which I have very clearly drawn out in my debate, will be by activists across this country. I think the hon. member would want to ensure that members like myself still stand.

Fortunately, I won by a fairly comfortable margin last election, but I did not win it simply because I am who I am. I assure the hon. member that there are people who, regardless of political partisan stripe, want to opine on this issue and who are just as disappointed. There are people within the Liberal Party that I speak to, constituents and people who have been here three or four generations, new Canadians, who are very passionate about this issue.

That has also allowed me to do other things, working on this side. It has allowed me to set up the AIDS initiative in Africa. It has allowed me to work on files like saving the life of Canadians like William Sampson.

This is not a black and white issue. There are some who would like to make it that way. I am not one and I will stand firmly for what is right. I will always wear those things on the sleeve as I walk in the House of Commons.

*[For continuation of proceedings see Part B]*

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CANADA

# House of Commons Debates

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VOLUME 140 • NUMBER 123 • 1st SESSION • 38th PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Monday, June 27, 2005**  
**Part B**

—

**Speaker: The Honourable Peter Milliken**

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## HOUSE OF COMMONS

Monday, June 27, 2005

[English]

[Continuation of proceedings from Part A]

**Mr. Kevin Sorenson (Crowfoot, CPC):** Madam Speaker, I rise this evening to speak for the third time in the last few months to Bill C-38, the civil marriage act.

Despite opposition to this legislation throughout the country, the Liberal government is bound and determined to push Bill C-38 through the House before Parliament rises for the summer. The vast majority of my constituents are included in those who are opposed to Bill C-38. It is therefore worth repeating, and I have said it every time that I have spoken, that I am opposed to changing the definition of marriage to include same sex couples. I firmly believe that marriage is the union of one man and one woman to the exclusion of all others.

A number of my colleagues this afternoon and throughout the last number of times they have spoken have made an excellent case for the traditional definition of marriage as being the most important social institution for bringing order to society and providing the best environment for raising children.

Speaking of children, I naturally think of family. I think of my family today. I would like to focus on the family for a minute, recognizing the fact that a family is defined as people who are related by blood, marriage, or adoption.

If the government can change the definition of marriage, if it can change social institutions, then what is to say that the government cannot redefine what a family is? If two friends want to be known as a family and take advantage of the ensuing benefits such as claiming a dependent for tax purposes, would this lead to changing the definition of family to include people who are related by friendship, or related for other reasons of convenience?

The same argument that the traditional definition of marriage discriminates against same sex couples could apply to the traditional definition of family. It could be argued that the definition of family discriminates against other kinds of close relationships like that between friends.

This point is extremely important because eventually the argument could be extended to include many other relationships. It could be enlarged to include relationships such as polygamy. The Liberal government scoffs at the idea that polygamists will one day argue that they are being discriminated against, but the reality of that happening is very real.

It is also important because it begs a question. Why would one fight for such a change? In the case I used of two friends wanting to be recognized as a family, the sole purpose would be for monetary reasons, for taking advantage of the taxable benefits of having a family member listed as a dependent.

In the case of same sex unions, we must question why these relationships should be defined by marriage. We must question why gay activists are so intent on having same sex unions defined as marriage when they are already entitled to the same rights and benefits as those involved in traditional marriage. The only thing they are not entitled to is the term marriage.

The only difference between opposite sex unions and same sex unions would be a different name or definition which would simply recognize the different makeup of the relationship. One relationship being that of two people of the opposite sex while the other relationship being two people of the same sex. Both relationships have the same benefits and both have the same rights.

Unfortunately, in my opinion this issue is not about legal rights. It is not about human rights. It is about acceptance. That is what this argument is about. For some same sex marriage advocates the issue is about acceptance and forcing Canadians, despite their religious beliefs and the values that they have held for a long period of time, to accept homosexuality as being the same as those involved in the traditional marriage.

Governments simply cannot legislate acceptance any more than they can legislate people to abandon their religious beliefs or to forget about morality or the values that they have held perhaps since childhood.

● (1805)

On the issue of religion, there is no absolute guarantee that our religious freedoms will not be challenged. The Liberal government has failed. Despite promises to the contrary to protect religious freedoms and to protect the rights of those to worship or to adhere to whatever religion they want, they have failed.

During the last federal election campaign, Canada Customs and Revenue Agency told church groups who opposed same sex marriage that if they spoke out they could very well risk losing their charitable status, while churches that spoke in favour of same sex marriage, oddly enough, never received the same type of threat.

Bishop Henry in Calgary is being hauled before the Alberta Human Rights Commission because he spoke out against same sex marriage. Time does not permit me to provide other examples of how our freedoms of speech and religion are being curbed by arguments of human rights.

Many argue that extending marriage to include same sex union is a matter of human rights, yet almost every other country around the world, and the United Nations specifically, has rejected the notion that same sex marriage is a human right. It has already been pointed out that if it is a human right, then why are we trading and dealing so much with countries that are human rights violators? I think even the government realizes it is not a human right.

Marriage is a fundamental social institution, not only recognized by law but sanctified by faith throughout the world and throughout history. The requirement that marriage partners be of opposite sex is one of the core universal features of marriage across many different cultures and many different religions around the world. In Canada and elsewhere, the identity of marriage has always been seen as a bond between a man and a woman.

A University of McGill professor of comparative religion and ethics told the special committee of justice and legal affairs—on which I served—back in 2003 that:

From our study of all world religions, such as Judaism, Confucianism, Hinduism, Islam, and Christianity, and the world views of small-scale societies, we conclude that this institution is a culturally approved, opposite-sex relationship intended to encourage the births and rearing of children at least to the extent necessary for the preservation and well-being of society.

In another submission to our committee, one witness defended marriage as the union of one man and one woman on the basis of procreation, as I pointed out in my initial remarks.

Traditionally, marriage was defined as the union of one man and one woman, with the expectation that they would procreate and that they would guarantee the survival of the human race. The product of this union was children. They would create and establish a family, and that allows humanity to continue on.

While there are many purposes to the family—that is, providing lifelong relations, shelter, and food to its members—the main purpose is the means by which society can maintain its existence.

Procreation in marriage has to be considered one of the most essential functions. Civilizations of the world have come to embrace this fact in recognition of the benefits it brings to those involved in society as a whole.

As a matter of fact, there are only two countries in the world that allow same sex marriage, and it is important to note that neither of these countries has had the issue decided or defined by the courts of their country. We continue to believe, as does the Supreme Court of Canada—much to the dismay of the Liberal government—that MPs who are accountable to the citizens of the country should have the final say on this matter. We should not be limited in our debate. We should not be sitting back and limiting our debate.

On that note, I implore this government to not shut down debate on this issue, despite the rising temperature outside. Today someone said there is a humidex of 41 out there, and I can tell you that all I know is it is very hot and there are a lot of people with shirts sticking

to their bodies and the sweat is pouring down. The heat is not only outside; it's inside the House also.

● (1810)

We have seen the measures this government has taken to ram this legislation through before the House rises. We have seen the anti-democratic ways that this government has used to push something through.

I remember back in 2001, when this House was called back early to deal with September 11 and the terrorist attacks on that day. The House came back early because of what was happening around the world. Today we are extending the hours because this government feels so compelled to push through this type of legislation.

I implore this government to allow the House to rise for the summer recess with Bill C-38 still on the table. Allow us to go out into our constituencies and listen to people, close to 10,000 from my riding—6,800—who have contacted me, asking me to support the traditional definition of marriage. We need time this summer to listen to our constituents so that when we come back in the fall we can properly represent those people who sent us here.

Thank you.

● (1815)

**Mr. Charles Hubbard (Miramichi, Lib.):** Madam Speaker, I listened with intent to the speech from the hon. member. Of course, he realizes that marriage, back with the fathers of Confederation, was a division of responsibility between both the federal and provincial governments. He seems to speak almost as if religious organizations have had a copyright on marriage, and they probably have had for a great number of generations, in fact for centuries. But could he inform the House of his vision of what might happen in this country with eight provinces, not one of whom challenged the court proceedings in those provinces to accept marriage, if we don't make a decision on this important issue?

Thank you, Madam Speaker.

**Mr. Kevin Sorenson:** Madam Speaker, there is an old saying back on the ranch, "If it ain't broke, don't fix it". I do not believe it is broken. I do not believe this social institution that has stood the test of time or, as the Supreme Court has said, from time immemorial, is broken.

All types of academics and people recognize that the marriage issue is not something that is broken. Certainly there are times when it may appear that it is hurting. Even with some of the easy divorce laws that were pushed through, we have hurt the institution of marriage, but I do not believe for a moment that this sacred institution, which we have all recognized in many different cultures and countries, specifically in Canada, is broken. So we should not try to fix something that is not broken.

I fear that we are sowing to the wind in this piece of legislation. We are saying we are going to appease every group with some of the most traditional types of definitions of the institutions we have. We are sowing to the wind, and I believe we will reap the whirlwind.

We will not know in a year whether this has been a good experiment or a bad one. We are only now seeing the harvest when it comes to what we have done with the Divorce Act, which has allowed easy divorce. Some of the ideas we have had traditionally, that marriage is a lifelong institution, stand well for our country; they stand well for society.

I also want to say this to the hon. member. He has asked specifically about the provincial and federal jurisdictions. I had the opportunity to sit on the justice committee when it toured the country. I served on the justice committee when it brought in hundreds of witnesses speaking on both sides of the issue. Usually parliamentarians do not talk about the amount of money that is spent for travel, but it was a high cost to Canadian taxpayers.

When it came time for the vote, I can recall the government pulling two members from the committee and replacing them with members who had not heard even one minute of testimony, members of the committee who I believe would have called on the government to stand up and appeal the decision of the lower courts, to appeal what the lower courts were saying. The government pulled two people out. We came to a vote that day, and the two individuals the government whip brought in voted not to appeal. In other words, they voted for the definition of same sex marriage. The committee was tied. There was a deadlock; I believe it was eight to eight. The chairman of the committee cast his vote for not appealing the definition of marriage. Within a few minutes of the vote taking place, the Minister of Justice was standing before the cameras saying to the media and Canadians, "The committee has made a decision and I will honour the wishes of that committee". Talk about a kangaroo court; talk about injustice.

I want to say one other thing while I am here. The member from the Liberal Party who spoke prior to me kept making reference to the former Prime Minister and the former justice minister, and how back in 1999 or 2000 they voted to preserve the definition of marriage. Let me say this. The current Prime Minister and the current justice minister—but the current Prime Minister specifically—voted to support and defend the traditional definition of marriage. He has failed and failed miserably.

• (1820)

**Hon. Gurbax Malhi (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.):** Madam Speaker, I continue to oppose Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes. Due to my profound concerns regarding the long term impact of Bill C-38, I plan to continue to express my opposition to this proposed legislation.

A Compass poll on February 2, 2005, indicated that 66% of the Canadian population opposes same sex marriage. Clearly, a majority of Canadians remain concerned that the common good of society will not be served by the proposed redefinition of marriage. That is because this legislation fails to recognize, protect and reaffirm marriage as the union of a man and a woman to the exclusion of all others.

Marriage is a loving, life-giving partnership between a man and a woman to the exclusion of all others. It is also essential to the survival of society. Its purpose is the common good of the couple

and the procreation and education of children. Marriage, as the union of a man and a woman, is a unique and irreplaceable institution that merits government protection and social recognition.

The interest of the state in the institution of marriage has always been and should always continue to be the integration of the sexes in an ideal social unit from which children are born and nurtured, not only for the benefit of the children but for society as a whole.

Unfortunately, the proposed legislation eliminates this time honoured interest. It is clear to me that Bill C-38 would diminish the relevance of the most important social institution of our society.

Marriage even predates religions. Historically, the institution of marriage has always been viewed as the ideal unit for fostering a healthy environment for the development of children. Marriage is the institution which has played the greatest role in our survival and procreation.

As members of Parliament we are often called upon to deal with difficult social issues, including domestic violence and poverty. At the root of all of these debates has been the conclusion that the basic unit of society—the family, mothers and fathers, the children with their mother and father—remains the safest place for children and for women.

It is worth noting that in its final ruling the Supreme Court of Canada did not suggest that the traditional definition of marriage was contrary to the Charter of Rights and Freedoms or that a redefinition of marriage was necessary to conform to the charter. In the marriage reference, the Supreme Court declined to answer the fourth question, which was whether the traditional opposite sex requirement for marriage contravened the charter.

As members know, the majority of my constituents are asking that we preserve and protect the current definition of marriage as between one man and one woman to the exclusion of all others. Marriage is an institution with a long and respected history and tradition. It has a clear purpose. Bill C-38 would take that tradition, that institution, and reduce it to the union of two people.

Bill C-38 essentially dismisses the relevance of marriage to any aspect of the social well-being of Canadians. However, there is no other human relationship equal to the only true marriage unit, that of one man and one woman to the exclusion of all others. The marriage of a man and a woman is unique, as is its contribution to society. Marriage serves a unique function in all civilized societies. The very preservation of society is dependent upon traditional marriage. As members of Parliament, it is our duty to defend the health and well-being of all Canadians, especially our children.

• (1825)

Marriage promotes the bonding of men and women and the creation of a stable and beautiful partnership of life and property. It recognizes the interdependence of men and women. It includes the moral, social, economic and legal dimensions. It reflects a commitment to fidelity and monogamy. It serves as an excellent social structure for the rearing of children for the perpetuation of society. It provides for mutual support between men and women, supports the birthright of children and strengthens relations between men and children.

Therefore, the potential impact of change on the parent-child bond and the overall impact on society is significant and should not be taken lightly.

Finally, I believe that the redefinition of marriage would lead to a major societal change. While it might not have immediate social consequences, over time it could have enormous implications. The potential for long term consequences is so great that we should take the time to more fully assess the broader implications of this fundamental change to families, children and religious freedoms.

The proposed legislation is about diminishing the relevance of the most important social institution of our society. Why should we rush into adopting radically new legislation when there are so many important long term consequences to consider for all society? Why should we be considering the dismantling of one of the most essential institutions in our society?

Marriage clearly plays a meaningful role in our society. Changing one of the basic foundations of this social institution will have a profound effect on the entire marriage structure as a whole. Bill C-38 proposes to change a critical feature of a key social institution. Doing so will undoubtedly have a major destabilizing impact on marriage.

In light of the above arguments, I must strongly and respectfully request that we act for the greater good of our nation by supporting the traditional definition of marriage. The stability and future of our nation are at stake here. The stakes have never been higher. We must all do what we can to support the traditional definition of marriage and to stand up for that which we truly believe to be for the good of our nation.

Marriage and the family are fundamental institutions which contribute to the common good in terms of the formation of children, loyalty, faithfulness and responsibility in our society. Marriage as we have known it cannot be allowed to slip quietly away.

**Mr. Art Hanger (Calgary Northeast, CPC):** Madam Speaker, I thank the member for Bramalea—Gore—Malton for his presentation. I gather that he is not in favour of this bill. I know that others in the Sikh community have expressed the very same concerns that the member has.

In fact, the president of the Sikh temple in Calgary, Jagtar Singh Sidhu, made a very strong appeal at a rally in Calgary about a month ago. I happen to have attended that rally. Bishop Henry also spoke at that particular gathering. He has some strong opinions as well. It is interesting to hear how the member is of the Sikh faith and obviously feels strongly about the importance of keeping a family unit together.

I know that the Punjabi people in my riding are very strong in their union with one another. They believe in some strong family traditions. They believe in the need to procreate, as it is sometimes called, and to raise children. I think those are virtues and creditable attitudes to bring to this country.

I am curious about the member who sits over on the Liberal side. I know that this debate has raged for some time, but what would he suggest as the best line of attack or the best approach to talk to other members who may be uncertain about which way they would like to vote? What would he do about it personally, especially looking at members from his own side?

• (1830)

**Hon. Gurbax Malhi:** Madam Speaker, I cannot speak on behalf of other members of Parliament, but I have received thousands of emails, thousands of phone calls and thousands of letters from my constituents. I am listening to what my constituents are saying. That is why I am opposing this bill.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Madam Speaker, I appreciate the opportunity to once again address Bill C-38.

Let me begin with Supreme Court Justice Gérard La Forest in 1995, who spoke on behalf of the majority of the judges in the Egan decision. I want to read for members what he said, because I think it sums up a lot of what we are trying to talk about today. He said:

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 [reason for being] 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.

I would like to make the point that in the 10 years since then, things have not changed. That statement is still a valid statement.

Will Rogers was a cowboy philosopher from the United States. One of his comments was, "I don't make jokes. I just watch the government and report the facts". If he were here today, I wonder if he would be laughing or crying.

The government seems to be out of control in most of its actions. A week ago we were leaving the House and then the government decided that we were staying because we had to debate important issues such as Bill C-48 and Bill C-38. Then the government turned around and said it did not want to debate these issues; it wanted to bring in closure. It did that on Thursday night to ram through Bill C-48. There are indications that it will try that same thing with this bill. It seems as if we are in the middle of a bad joke.

Bill C-48 was a joke in many ways. We talked about that last week and about the fact that the NDP had been sucked in on the bill. If one reads the page and a half long bill, one sees clearly that it states the government "may" commit up to \$4.6 billion in spending in four areas. It does not have to spend it and cannot spend it until September or October of 2006.

The bill passed, and although somebody may be stuck with it even after the next election, it really has no immediate consequences. It was a joke of a bill. It seems as though the NDP bought into that. In the end the Bloc did too, in order to carry it through and try to get Bill C-38 through.

Bill C-38 is another joke. The government has decided that it is pushing ahead with the redefinition of marriage, but in the middle of the discussion there has been a lot of debate about whether religious institutions are going to be protected. The government has assured us time and again that it will try to do that even though the Supreme Court said it could not.

Clause 3 of the bill 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.

That gave no protection to anybody, which was recognized immediately, so the government has come back with another clause, clause 3.1. It certainly sounds fancy, but I understand that the justice department lawyers themselves say that this gives no more protection than the charter gives anyway. We know how useful the charter is; the judges have the opportunity to interpret it the way they will. It is frustrating. Once again we are faced with what I would say is a bad joke that is being played on Canadians.

As we know, Bill C-38 is being opposed by most Canadians. We just heard our colleague across the way, who is a Sikh, talk about his opposition to it. We know that the world Sikh leaders have opposed a change in this concept. The member for Calgary Northeast talked about his riding and the opposition from the Sikh community there.

Most of the Muslims oppose this. In my riding last year we had a summer rally with the Muslim clerics at which a scholar came to speak. His words were, "This is a non-starter for us". I thought that was as clear a statement as one could make.

Christian leaders across Canada have been fighting to preserve the traditional definition of marriage, the traditional position, which is seen as a core tenet of their beliefs.

We have had Jewish leaders who have been working on this as well and who have been a fundamental part of the fight to maintain the traditional definition of marriage.

For many of these folks, the belief in the traditional definition of marriage goes back to their holy scriptures and goes back entirely to creation and their perception of that. The Liberals have chosen to listen not to them but to special interest groups instead. In fact, the Liberals do not even listen to their own charter. As the member for Battlefords—Lloydminster pointed out, the charter talks about us recognizing the supremacy of God in this country and the Liberals have chosen to completely ignore that.

• (1835)

I do not know if I have enough time tonight to even go through this, but we are faced with two irreconcilable views about what marriage is. On one hand, the prior status of marriage has been that marriage is recognized but it did not have to be created by law. It was not created by law; it was recognized by our society. Heterosexual marriage had never needed law in order to be socially recognized and accepted. It had been universally accepted that the union of a man and a woman was the appropriate definition for marriage. That view sees heterosexual marriage as a natural fact, as something that unites men and women.

It has been historically recognized down through the centuries. For many, as I have mentioned, it has also been seen as part of a granting of divine revelation to people. Others see it as observable by natural reason. For those who see marriage as a natural fact uniting men and women, the binding force would be nature itself.

As Iain Benson, the executive director for the Centre for Cultural Renewal, pointed out in his presentation to the committee dealing with Bill C-38, "To people who hold this view, the idea that two men or two women could be married makes as much sense as two men trying to become sisters, or two women trying to become brothers. It just does not compute".

This view of marriage does not depend upon the state. The state's role and function is to recognize it, not to define it. That is why in the past there have been so few statutes defining marriage.

Marriage by definition, to the folks who believe in this, is one man and one woman to the exclusion of all others. To change that definition changes marriage. It just changes the definition to where people do not recognize it as marriage.

The other view sees marriage as basically a social construct, something that is not given in nature but something that is chosen and defined by humans, something that is chosen by our will, and then because of that, it is something they insist everyone should recognize. The ones who hold this view will tend to portray this as an issue of rights rather than just a redefinition of a social institution.

The interesting part of this is for the folks who hold this second definition or the second view of marriage, it is essential for them to try to bring the state in and to bring the power of the state to bear on the definition of marriage. That is what we see happening in the House. It is what we have seen over the last few months. For them the act of redefinition requires the use of all possible available means. We see that going on.

We have also been able to see the judiciary be part of this. We know now that eight provinces and one territory have had one single judge in each of those provinces and territory step forward and make a ruling. The federal government and the provincial governments have not had the courage to appeal those definitions. We talked a little about that earlier, but they just have refused to appeal. The Supreme Court actually pointed out in its decision that this change has come about by default, that basically governments have not done what they should be doing. They have not done their due diligence and because of their neglect, they have allowed the definition to change without the proper discussion of it that should have taken place.

Obviously the resolution between these two views is not going to be easy, but the government has made it even more difficult because it has basically destroyed the forum for public debate. With the extension of the sitting this week, we expect the Liberals at some point are going to try to close down debate. We see them whipping votes across the way and we see those members barely willing to come into the House to address the issue. People who have been watching the debate this afternoon will note that very few government members are even interested in talking about this issue.

We see the government rushing to radical conclusions.

• (1840)

**Hon. Larry Bagnell:** Madam Speaker, I rise on a point of order. The member is an experienced member, and he knows he is not allowed to refer to members being in the House. I would like to say that a number of Liberals, in a democratic fashion, have spoken on both sides of this debate and should be congratulated for doing so and expressing their opinions.

**The Acting Speaker (Hon. Jean Augustine):** I think we are all very well aware of the fact that we do not point to the attendance of members in the House. I will ask the hon. member for Cypress Hills—Grasslands to please continue debate.

**Mr. David Anderson:** Madam Speaker, I am wondering if I could have a couple of extra minutes because of the interruption by the member.

**The Acting Speaker (Hon. Jean Augustine):** The Chair will be very generous in adding two seconds to your time, so you have one minute and 19 seconds remaining.

**Mr. David Anderson:** Madam Speaker, I did not point out that there are no Liberal members in the House, although perhaps I could, but what I would point out is that there are so few of them willing to debate the issue.

The way the government has gone about this violates basically everything that has made the country what it is. It really points out the fundamental difference between the government and the people of the country. Many people believe there is a law natural to all men. Some of the people who want to speak on this issue talk about their belief in a creator who has set principles in the hearts of men and women. Other people talk about their belief in universal principles.

I think all of us agree on some fundamental principles, things like honesty, telling the truth, integrity and the importance of democracy. It has been frustrating here because the government has short-circuited those principles in so many ways.

In conclusion, I believe that the Prime Minister has betrayed himself. He has changed his position in the House on this issue. I think he has betrayed Canadians because he has forced this issue on them against their will. I would suggest that he has also betrayed his creator because he refuses to live out what he claims he believes in.

He has a chance to redeem himself. I encourage him to take the bill off the table for the summer, go home, think about this, and come back in the fall. I ask him to set aside Bill C-38 and do what is right for Canadians.

**Mr. Randy White (Abbotsford, CPC):** Madam Speaker, I often say that I wish the Liberals would respect us for what we are and not for what they want us to be. This comes to mind more and more when I hear issues like this one being debated in the House. I would like to ask my colleague about that particular aspect of Bill C-38.

We hear across the way, "The judges made us do this. This is something that is coming from the courts. We cannot stop it ourselves. It happens here because of this judge and that judge". In many cases we all know it is probably politically motivated. I would like my colleague to clarify for those who are listening whether he believes this is politically motivated or foisted upon Canadian society by the courts and why.

• (1845)

**Mr. David Anderson:** Madam Speaker, we need to take a look at the evidence. To examine whether or not the government is treating this issue seriously, there is no better place to look than in the special legislative committee that was set up by the government. Truly the government has let the courts do what they want without challenging them.

The committee was set up and it was supposed to study the issue. There was supposed to be a legitimate effort to study the issue. In fact, my colleague from London—Fanshawe had gone to the Prime Minister and talked to him about the fact that he wanted this to be a legitimate look at what was going on. The government set up the

committee so it would have the majority on it. Then it restricted in the beginning our ability to bring witnesses forward. The government did not want to have a broad hearing of witnesses.

When it did allow us to bring witnesses forward, often it sat three of the pro-government side at the table with one person who was against the legislation, just to make sure that the witnesses were intimidated as much as possible. Witnesses were called with 24 hours or less notice and were expected to show up at committee and make their presentations.

The committee sat for four hours per night, four nights a week to run through this as quickly as possible. In fact, it was run so unfairly that in the end the member for London—Fanshawe said that it was not the agreement he had reached with the Prime Minister and it led to his actually leaving the Liberal Party and sitting on the other side.

In answer to my colleague's question, the government has not treated the issue seriously. It has not treated it seriously in the courts, in how it has dealt with the court rulings. It has not treated it seriously in the House of Commons either in the way it dealt with the committee or how it is treating us through this week of debate.

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Madam Speaker, the member concluded his speech by saying that we should put this vote off until the fall.

How many members in the Conservative Party does he believe would change their vote? If we do not vote tonight for instance and if we carry on the debate, or indeed if we carry on the debate in the fall, how many members of the Conservative Party does he think will change their vote?

**Mr. David Anderson:** Madam Speaker, what I would like to do is address the reason we are doing this, why this is being forced. Apparently, we are having a vote tonight, from what the member said. Maybe he has let out something he should not have. We are here because members of the Liberal government and the Bloc are afraid to go into the summer and have to defend their position on this issue. They have received the same amount of mail that we have. They know full well that pressure is going to come to bear on them. They are counting on passing this legislation, forcing it through, and then counting on Canadians losing interest in this issue. They have fundamentally misread Canadians on this issue. Although they have tried to disenfranchise more than half of the Canadian population on this issue, they are not going to be successful. People will remember this and they will pay those members back at election time.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Speaker, I rise to thank the hundreds of thousands of Canadians who have exercised their belief in the democratic process by telling this Parliament how they feel about the institution of marriage and their support for the family.

More particularly, I am pleased to take this opportunity to thank the thousands of constituents in my riding of Renfrew—Nipissing—Pembroke who took the time to personally contact me in support of the traditional definition of marriage as being the union of one man and one woman to the exclusion of all others.

I want the people of Renfrew—Nipissing—Pembroke to know that I draw strength from their support in what has been a very personal and nasty campaign against those individuals who choose to defend marriage and defend the family.

I congratulate members from all parties and political stripes who have taken a principled stand on this issue and stood their ground.

It is interesting to observe that the tactic by the Liberal Party to wear out those of us who oppose its latest attempt at social engineering is not working. The Liberal Party has miscalculated the fact that while attendance at religious institutions may fluctuate, support for the family has not changed. If anything, the no compromise position of the Liberal Party to this issue has stiffened opposition to it. This is in contrast to the pro-marriage supporters who have consistently tried to seek compromise when the anti-family proponents pushed confrontation.

It is said that one can find a little good in anything. By challenging pro-traditional marriage Canadians, individuals who may have been complacent in the past about the importance of family are accepting the challenge to defend what they believe is right. I am pleased that constituents in my riding have accepted this challenge and have made sure that I am informed of where they stand on the issue of religious freedom and the institution of marriage.

I am thankful for the letters that I have received such as this one from eight year old Dominic from Pembroke:

Dear Member of Parliament,

I know that only God has the power to change marriage, and that only a man and a woman can make the place for a new baby to enter the world. This is what I mostly wrote to the Prime Minister. Thank you for standing up against him.

Here is another letter from eight year old John in Combermere:

Thank you for all you do to try to keep Canada a good country for us to live in. Society depends on families, and families depend on marriage. I will pray for you as you work to protect marriage. I hope you enjoy my essay.

God bless you.

Yours truly,

John Hanlon.

This is the essay he wrote entitled "A Person I Admire".

A person I admire is our local Member of Parliament.

I admire her because she is willing to stand up for what's right even when she has hard decisions to make, or when all the other members disagree with her.

She supports Christian values and families. She spoke against abortion at the March for Life.

When my brother and sister wrote to her and asked if she would defend marriage, she wrote back and said that she would because marriage is a sacrament created by God.

She votes in Parliament for the things that are right. My MP proves with her actions that her words are true, and that's the sort of person we want in government.

Thanks for the letter John. I will try not to let anyone down. Out of the mouths of babes comes wisdom. I received this letter from Palmer's Rapids:

Dear Member of Parliament,

I am very concerned about, and totally opposed to, the proposal to change the definition of marriage. It is very obvious to most of us that marriage is for a male and female.

Conjugal union depends upon the natural and God-given differences between a man and woman, which are ordered toward mutual self-giving and the transmission of life.

Since the future of humanity depends on the creation of children, society has a vital interest in protecting the relationship that ensures its future.

It is my wish that you support true marriage and the traditional definition of marriage as the union of one man and one woman to the exclusion of all others.

• (1850)

This letter came from Braeside, Ontario:

Six years ago the vast majority of Members of Parliament voted to support marriage as being between one man and one woman. History, common sense and our own experience clearly tell me what marriage is and that you were right in your vote in 1999. I expect you to stick now to what you declared then and vote for the retention of marriage as a union of a man and a woman.

A constituent in Killaloe wrote this letter:

Dear Member of Parliament,

I am very concerned about the proposal to change the definition of marriage as I am pretty sure you are also. It is so obvious to most of us that marriage is for male and female. They simply go together.

This is not discrimination. It is simply to recognize nature and common sense. Why are we questioning so much that this great nation was founded on? My grandparents must be turning in their graves. I pray they are praying for all decision makers these days that conscience and common sense will prevail.

As my representative, I expect you to support the continuance of marriage as we have known it by whatever means necessary, including the notwithstanding clause.

This note came from Victor in Petawawa:

Dear Member of Parliament,

I at this time wish to make it clear, real clear, that I'm against same sex marriage and if this becomes law the Prime Minister should be thrown out of office for sure. Please do your best to stop this bill.

And finally, this letter from a constituent in Renfrew:

The Liberal government has introduced legislation to legalize same sex marriage. I strongly oppose this. The traditional definition of marriage is the union of one man and one woman to the exclusion of all others. To include same sex marriage in this definition is not right. The understanding of marriage is that children will be the offspring born from the love of their parents. Neither gays nor lesbians can bear children.

If same sex couples wish to be joined, there should be a separate word used to describe their union. Do not tarnish the sacredness of what marriage is meant to be. Granted, all marriages are not perfect. However, the vision of an ideal marriage is something that society should strive to preserve and all married couples should strive to achieve.

With more families splitting up from various pressures of life in the modern world, it does not help when our government tinkers with the definition of marriage. Governments who establish legislation for our society should support marriage.

I hope you and all Conservative MPs vote to uphold the traditional definition of marriage as the union of one man to one woman in the same sex marriage bill.

This is just a sampling of the thousands of letters I have received from constituents on this subject.

Marriage is significantly connected to our children. For a government to redefine marriage to be that of any two persons, the message we are sending to our children is that we value adult relationships above the future generations of children. To build a strong nation, we need to have strong families. We strengthen society by investing in the family and maintaining the traditional definition of marriage.

•(1855)

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Madam Speaker, I have a question for my colleague. Both she and I are members from eastern Ontario. Would a Conservative government, should there be one and should this country be so unfortunate, revoke Bill C-38 if elected, and if so, would it use the notwithstanding clause to unmarry those married already?

**Mrs. Cheryl Gallant:** Madam Speaker, as my colleague opposite well knows, after every election a caucus is comprised of different individuals, so what may be the feeling of one group of MPs for a given session may differ from the next. For certain, I cannot say one way or the other. What I can say is that the MPs here are for the traditional definition of marriage.

**Hon. Don Boudria:** Madam Speaker, I have a supplementary question for my colleague. She indicated to us that a number of her constituents had written to her. That's fine, of course. A number of people have written to me, as well. Is it her opinion that rights should be established by way of public opinion polls or some other measurement of a simple majority of the wishes of constituents?

**Mrs. Cheryl Gallant:** Madam Speaker, as the member well knows, this is not an issue of rights. Many civil rights activists have come out and said that this has nothing to do with rights.

**Mr. Art Hanger (Calgary Northeast, CPC):** Madam Speaker, I appreciated her reading those letters because that is very reflective of what is happening in all the constituencies, including the constituencies of Liberal members on the opposite side. I think that at one time the Deputy Prime Minister in this House actually supported traditional marriage. Here is what she wrote in a letter:

—the definition of marriage is already clear in law in Canada as the union of two persons of the opposite sex. Counsel from my department have successfully defended, and will continue to defend this concept of marriage of court... I continue to believe that it is not necessary to change well-understood concepts of spouse and marriage to deal with any fairness considerations the courts and tribunals may find.

Obviously, the Deputy Prime Minister, the Minister of Public Safety and Emergency Preparedness, no longer believes that. Why would the member think that would be the case?

•(1900)

**Mrs. Cheryl Gallant:** Madam Speaker, it would seem that outside influences have pressured this minister for one reason or another. I am only speculating. Everything the Liberals have done is a matter of vote buying. What concerns me is the way the government, including the Prime Minister at that time, voted to keep the institution of marriage in 1999. Now in 2005 they are saying that the right of religious freedom will be preserved and that charitable tax status will be preserved.

What is to say that the government of tomorrow, if it is Liberal, will not flip-flop on these same things that it is saying today just to get through another day without having an election? The only reason we are going through this right now is because the Liberals are too afraid to have this on the ballot when an election is called.

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Madam Speaker, I appreciate her reading out some letters. I will be doing that when I speak as well. I note however that all the letters seemed to be against the bill. I am

wondering if she had any constituents who either wrote or emailed or spoke to her who were in favour of the bill?

In regard to her comment that everything has been done for vote buying, given that the opposition considers a vast majority of Canadians are against this bill, why would the Liberals do this for a minority of voters?

**Mrs. Cheryl Gallant:** Mr. Speaker, this issue of vote buying is of great concern. We saw the current Minister for Human Resources in what seems to have been some purchasing of influence. We have the NDP that was purchased to the tune of \$4.6 billion. The cooperation of Bloc members on the budget was purchased at a price of \$1.3 billion. I think this is the real concern. I am glad that my colleague from across the way pointed out the preponderance of vote buying by the Liberal government at this time.

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, I would like to bring forward some areas about which we have not yet talked. However, the debate has been ongoing for quite some time and everything is pretty well covered.

I would like to point out though that my own personal values and beliefs in regard to this issue are very strongly faith based. I have good reasons to say that. I think most people would understand why I say it.

I am very pleased to belong to a group of individuals who saw the importance of faith based decision making, especially our forefathers who had the foresight to inscribe on our buildings that "he will have dominion from sea to sea". I have no apologies to make for that and I will not. Many decisions that I do make are based on that very thing.

I would like to indicate though that I have found and discovered through my experiences in life, and I have a few years in now, that I have learned the importance more and more on various occasions as to what is good about a family that is defined as a mother, a father and children and why it is so essential that this unit remain strong and have the strength to carry on with daily turmoils.

It is obvious to me from my studies in history that when the family begins to crumble, society begins to crumble. In many cases whole nations and empires have crumbled due to the destruction of the family. It is essential that we work hard to keep that strong and existing.

I was in the education field for about 30 years. For a number of years, I was principal of a school of grade one to twelve. There were nearly 900 students every year in that school. I served not only as principal. Prior to that I spend some years as a guidance counsellor.

Let me assure the House that there were many times during those years that I was able to experience why it was so important and essential for a child to have access to a mother and a father. It was illustrated time and time again.

I remember one experience where I needed to pay a little more attention to what was happening in the school and in the social affairs of all the people who were involved. A young boy who was about eight was brought to my office because he was misbehaving poorly. With that many students, I was not aware of the history or the stories behind most of the students. However, I found out that this boy's father had died in an industrial accident when he was about four years old. He had been without a father for quite some time. His mother was doing an excellent job of raising a family, of caring for them as a single parent. She was one of the best as is true in many cases in a single parent situation.

On a number of occasions that eight year old was brought to my office for misbehaviour or other problems. I never knew enough about the history of his family to know that this might have some bearing on the difficulties he was having.

One day when he was sitting in the chair in my office, after having been brought in several times, I said to him that we had to do something, that he was getting into trouble all the time. I asked him what was going on with him. He looked at me, with tears in his eyes, and said, "Why do I not have a daddy like the rest of the kids?". That made me sit in silence for a moment.

● (1905)

Here was a young fellow who was without a father. It was no fault of his own. It was no fault of anybody except a tragic accident had taken him away. That day it dawned on me how important it was to that young fellow to have a mom and a dad, how he could miss them and how it could play on his life.

The boy was constantly being teased and ribbed by small children, as they will without knowing the harm they are causing. They teased him for not having a dad. A lot of times they do not understand why parenthood and bringing children up in the proper way is so important. I had more and more occasion to start thinking about the situation in regard to the family unit.

I learned after 30 years that a solid family unit, with the love of a mother and a father, created the best situation possible to establish a strong family unit for the benefit and future of their kids. That is not taking away anything from single parents, single for whatever reason, who we worked with during those years and who did an excellent job.

However, I believe it is all about that. It is the children. They are entitled to be brought up in a family that has the love and care of a mother and the firm hand and understanding of a father. I think there is enough evidence. Studies have shown that those kinds of situations are good for the family unit which in turn makes it good for the community as well as for the country. It makes it strong. It is the base.

I would ask that we think about all these things when we come to legislation like this. One of the speakers from the Liberal Party, I believe from Scarborough, mentioned several times that there ought to be more debate on what the future implications of Bill C-38 could have on our children. I agree with him. It is something that has not been debated to any length and it should be carefully considered.

One of the other speakers pointed out time and again, this was not about rights. In fact, I do not know any country that mentions

marriage as a right. It is about public policy and values. It is about what we as a society believe our country should be. Yes, the voice of the people should be heard. Not only do we want to listen to the debates in here and try to learn from each other, but it is essential as elected members of Parliament that we hear the voice of the constituents and that we represent them.

I am really pleased to be a member of a party that has a complete free vote on this issue instead of other parties that do not. I do not know how anyone could talk about this being about rights and equality but stifle their own members from having a free vote. That makes no sense to me. What is really puzzling is in 1999 a decision was made in regard to a motion on the definition of marriage. When the vote was taken, it passed by something like 215 to 55. A lot of the Liberals who are here today were of that group of people at that time who supported it. The now Deputy Prime Minister stated firmly:

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.

I support the motion for maintaining the clear legal definition of marriage in Canada as the union of one man and one woman to the exclusion of all others.

A huge majority of that party agreed with that and they supported it in 1999. Then suddenly it became an equality rights issue. When they all believed originally that it was not necessary to change the definition to accommodate equality, now it is a different story. What in the world happened to those people to come to that conclusion?

● (1910)

If they were genuinely interested in equality, they would take a look at some of the situations in our Indian reserves and the lack of equality for the spouses in terms of property rights. We have talked about that a number of times in the House. I am sure the Speaker will remember, it was not too many years back that I brought up the opportunity to adopt an ombudsman for people on an Indian reserve because they did not have an ombudsman. Every Canadian has an ombudsman, but the Indian reserves do not. That is a lack of equality. Why is that not being addressed? Yet the Liberal government, which is pushing this issue as equality, turned down that very possibility of making something equal on the reserves.

It is really a very sad day that the Liberals recognize equality in this area when the real equality is that every child should have a mother and a father. We should concentrate on strengthening that unit.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I want to ask the member about a matter that was raised by the Supreme Court in its response to the reference of the four questions. Paragraph 60 refers to religious freedoms. It says:

—the Court is of the opinion that, absent unique circumstances with respect to which we will not speculate, the guarantee of religious freedom in s. 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.

This section concerns me because it raises almost the spectre that there could be something that might challenge religious beliefs and there will come a day when we are before the courts. Does the member share that concern?

• (1915)

**Mr. Myron Thompson:** Mr. Speaker, I certainly do share that concern. There is no doubt in my mind that this is not the end of a situation, that this will create the beginning of many situations we suspect could happen.

I only need to go back to 1994 when the government first brought in sexual orientation to be included in the charter. I believe the member was here when we had that debate. Time and time again we asked if we accepted the inclusion of sexual orientation into the list in regard to rights and protections and so on, would that be the end of it or would it be extended and brought on and on for other issues? Would it lead to even marriage? We were assured time and time again in the justice committee that it would never happen, that this would be the end of it.

I believe the passing of this bill is the beginning of something that we definitely do not want to see happen. It could lead to great tragedies, I fear, and I want to stop it before it happens.

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the member spoke a lot about equality and I would just like to touch on a few points.

The courts across Canada ruled that equal access to civil marriage by same sex couples is an issue of equality rights under the Canadian Charter of Rights and Freedoms. Although there is no right to marriage for anyone, there is a right to equality and, therefore, equal access to civil marriage. The courts have explained that the essence of equality is ensuring the human dignity of all Canadians. In legal terms, the charter deals with human rights, the basic rights that Canadians believe should be available to all, including the right to equality.

The bill addresses two fundamental charter guarantees. In considering the bill the Supreme Court of Canada has said that it not only complies with the charter it flows from its purpose and values. Is it the member's view that equality applies only to some Canadians and not to all?

**Mr. Myron Thompson:** Mr. Speaker, those are the kinds of questions one could expect from a lawyer who could not find a job being a lawyer so he turned out to be a politician.

Of course I believe in all rights for all individuals. The member knows that. However, this is not about rights, The definition of marriage has never been about rights. Nowhere in the world is it recognized as a right. It is about social values. It is about a society that sets the tone for the kind of a country in which we want to live.

If those courts would have been challenged, like the government should have done on the lower court's decision when that happened, we might not be here debating this whole thing today. This is not about rights and it is not about equality. This is about a social value that was established in our country and in the world a long time before we ever came. We have no right to interfere with that.

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, I appreciate the opportunity to ask a question of my colleague from Wild Rose.

At the beginning of his presentation he talked about the greatness of our nation and that God should have dominion from sea to sea. Really, that strikes another kind of tone when we look at the words in our Constitution.

Many of us have sat on committees, for instance, the committee reviewing the solicitation laws. The emphasis and tone of that committee stressed legalization of prostitution. Another committee was struck and ran for two years. It travelled all over the world, as a matter of fact, wanting to legalize marijuana. There is a moral dimension to everything the party across the way is attempting to bring about.

I would like the member for Wild Rose to comment on this moral dimension.

• (1920)

**Mr. Myron Thompson:** Mr. Speaker, I thank the member for the question.

It just seems to me that we have learned nothing from history at all. The hon. member spoke about what is happening today and what will happen in the future, with regard to prostitution and all these other moral areas. What we are dealing with today is nothing more than pure and simple social engineering, and social engineering at its worst, I might add.

There were excellent social engineers in the past. Stalin was one. We will register your guns, we will raise your kids, and we will do all the things you parents do not need to worry about; we will take care of it. We, the government, we are the almighty. It is not the almighty. God himself is the almighty, and we had best start remembering that.

**Mr. Pat O'Brien (London—Fanshawe, Ind.):** Mr. Speaker, I am pleased to join the debate on Bill C-38 for the third time now. Regrettably, the bill has continued to progress. Quite frankly, I believe the most democratic thing the government could do in this case would be to withdraw this legislation. It simply has no democratic mandate to proceed on this legislation.

In the last election, one year ago, we will all recall that the Supreme Court had not even rendered its judgment, had not even spoken to these very important questions. The government had no proposed legislation to lay before the electorate of Canada; therefore, the conclusion is obvious: it has no democratic mandate to proceed on this legislation. If the Prime Minister and the government had political courage and were prepared to do the democratic thing and the right thing, they would withdraw this legislation and they would put it before the people of Canada whenever next the government goes to the polls, and then Canadians could factor in this idea, this proposed redefinition of marriage, along with all the other public policy questions, and they could then render a judgment democratically. That is what ought to be done, but I do not expect that to be done.

I am opposed to Bill C-38 on two main points. First of all, I am opposed to the decision itself, and then I want to speak to and explain why I am opposed to the process.

On the decision itself, it simply boggles the mind why this government is charging ahead, determined to make a decision that flies in the face of common sense, that flies in the face of the clear majority opinion of most Canadians not to redefine marriage.

I was proud that on Monday past my wife Evelyn and I celebrated our 35th wedding anniversary.

**Some hon. members:** Hear, hear!

**Mr. Pat O'Brien:** Thank you to my colleagues, and to my wife, for sure, for putting up with me for 35 years.

She is just as determined as I am that this is a wrong decision, that this is an illogical decision. Quite frankly, for many Canadians, including myself and my wife, it is more than an illogical decision; it is an immoral decision, and it is not necessary to go down this road. Other countries have found a solution to this problem.

I have polled my constituents repeatedly. What have they told me? Over 90% repeatedly say do not change the definition of marriage. It is a man and a woman, full stop. But we recognize the signs of the times. We understand that people of the same sex are going to live together in intimate relationships. We understand that the courts are driving this agenda and that the courts, whether you or I like it or not, are determined to offer recognition to these people. Fine, recognize their relationship in some way, register it at city hall, call it civil union, like they do in France, call it something else, but do not call it what it is not: marriage.

I am fundamentally opposed to the decision itself, and I want to comment now and explain why I am so opposed to this incredible process that we have been put through. I see the hon. parliamentary secretary opposite. I listened to him from my riding office earlier today, in my riding of London—Fanshawe, before I flew here. I heard him and I heard other members of this House argue, including the government House leader, that there has been a full debate, all kinds of debate, a full opportunity for democratic process. That is sheer nonsense, and those of us who have been here know that is sheer nonsense.

The reality is that I sat on the justice committee from February to June 2003. Yes, we heard some 400-and-some-odd witnesses, but what happened in the end? We did not even report. That committee did not even issue a report. Our work was totally pre-empted by arrogant judges in the Ontario Court of Appeal who issued a ruling saying they instantly redefine marriage. Now what did the government of the day do? What did Minister Martin Cauchon and Prime Minister Jean Chrétien do? They rolled over and played dead on the issue. They refused to appeal that decision. Absolutely incredible. That was their agenda, and that is why the Supreme Court of Canada—and you didn't need to be a lawyer to know what they would do—refused to answer question four. They had not gone through the proper steps if they really wanted to appeal that.

• (1925)

The first committee, whose witnesses everybody likes to cite, did not even issue a report.

I would like to see the evidence that this latest committee referenced and how it worked those submissions into its final amendments and report.

The first committee was rendered a farce by the courts.

Then, of course, we had one of the most duplicitous situations at that time, where we were even denied quorum at the justice committee. Let us talk reality. I was there. A teaming up of the Bloc Québécois and some Liberal MPs on that committee—

**Some hon. members:** No.

**Mr. Pat O'Brien:** Yes, that is what really happened. I was there.

There was a teaming up of some Bloc and some Liberal MPs. To do what? To deny quorum so we could not even put a second motion to appeal that ruling.

From that day forward, I was much less proud to be a Liberal member of Parliament. I have to say that. It really was quite an incredible display of undemocratic arrogance that we saw.

Now we come to the latest legislative committee. Let us recall one thing. There was no need for this decision to be referred to a legislative committee. It could have been referred to the standing committee. It could have been referred to some other special committee. Why was it referred to a legislative committee? To try to narrow the debate as much as possible. That is what it was all about. And everybody around here who has been here for a while understands what the game was.

I was quite close some weeks ago to leaving the Liberal Party. I went to the right hon. Prime Minister and said, "Look, Prime Minister, I was through one farce of a process. I will not stand still for seeing this farcical process repeated again." He gave me his personal assurance that there would be full and fair hearings by the legislative committee.

I want to correct the record because I have heard some members on this side today make one error that I want to correct, in fairness to the Prime Minister and myself. I did not seek a travel committee because I knew that the justice committee had travelled extensively and I knew that most committee hearings take place here in Ottawa. I understood that would be fine. And I have no problem with the number of witnesses they heard.

However, as many members on this side have correctly said, I have major problems with witnesses being given less than 24 hours' notice to appear; with them being berated and lectured to by members of both sides of the table, in some cases, when they did show up because they were not speaking to these narrow parameters; and with the imposition of a ridiculous deadline of June 14. I have major problems with those issues.

What happened with the second process where we were supposed to have public consultation? It was rendered a farce, perhaps a bigger farce than the first committee. I have major problems with the process that took place.

I was proud to support a man a few years ago to be leader of my party, the Liberal Party, the right hon. Prime Minister. He spoke about the democratic deficit. I am sorry to have to say it, but the reality is that since this government has come to office, the democratic deficit in this country has increased, it has not decreased, and that is simply not acceptable to me.

When I saw the second committee process being rendered a farce, I made a decision that I could no longer in good conscience remain a member of the Liberal Party and I took a decision to become an independent member of Parliament. That was not taken lightly or with any joy. I felt very badly that the party I had worked in and represented for a number of years was shifting way over to the left, becoming the NDP light.

When we see our friends over in the NDP, I have a word for them. It is the New Democratic Party. Is it not interesting that that is the only party that is not allowing a free vote in the House of Commons? Shame on the New Democratic Party for not allowing that.

I will finish this way. I will support the amendments to the bill. Why? Because I want to see the best possible bill if we are going to have it become law. I will support the amendments because they do improve things like religious freedom, tax status, and so on. But in the end, I will continue to oppose this legislation because it is wrong for Canada, it is immoral, it is illogical, it is unnecessary, and most Canadians reject it out of hand.

• (1930)

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Mr. Speaker, the member opposite referred to the Ontario Supreme Court judges as being arrogant because they made a decision with which he personally disagreed.

Does the member believe that the judges of the Supreme Court of British Columbia are also arrogant since they reached a similar decision? Does he believe that the judges of the Supreme Court of Saskatchewan are arrogant because they reached the same decision? Does he believe that the judges of the Supreme Court of Manitoba are arrogant because they reached the same decision? Does he believe that the judges of the Supreme Court of Quebec are arrogant because they reached the same decision? Does he believe that the judges of the Supreme Court of New Brunswick are arrogant because they reached the same decision?

Does he believe that the judges of Nova Scotia are arrogant because they reached the same decision? Does he believe that the judges of Prince Edward Island are arrogant because they reached the same decision? Does he believe that the judges of Newfoundland and Labrador are arrogant because they reached the same decision? Does he believe that the judges of the Supreme Court of Canada are arrogant because they reached the same decision?

Does he believe that the premiers of all those provinces are arrogant because they did not use the notwithstanding clause? In that case, does he believe, since the politicians would not do it, that perhaps our religious institutions should have the right of veto over the decisions of judges because perhaps they would not be arrogant in such decision making?

**Mr. Pat O'Brien:** Mr. Speaker, with all due respect to the hon. member, the last comment is so silly that I will just let it go for another time.

I am really glad the member gave us all the repetition about the various judges but I would invite him to sharpen his listening skills. What I indicated was that the only court, to my knowledge, in the world that instantaneously ruled that we would have a redefinition of marriage was the Ontario Court of Appeal. It was none of the other

courts that he enumerated. That was the atrocity, that was the arrogance and that is what the hon. member did not pay attention to in my comments.

**Mr. Rick Casson (Lethbridge, CPC):** Mr. Speaker, I would like preface my question for the member by saying that I sat on the defence committee with the hon. member who was the chair of that committee. He ran an unbiased and fair committee and allowed the defence committee, SCONDVA, to do some pretty darn good work. We were able to work without partisanship and we tried to do the best we could as a group for the armed forces, and I congratulate him for that. Subsequent to his leaving, I must say that we have had an incident or two to indicate that might not continue on this committee, which is unfortunate.

The member was one of the people on the government side who chose to leave, and I give him credit for his courage. I wonder what his thoughts were when he saw what happened last Thursday night when members who had stood beside him shoulder to shoulder in opposition to this bill caved in on the one bill, the one opportunity they had to stop this bill, by voting against the bill. I wonder what his thoughts were when he witnessed what happened on Thursday.

• (1935)

**Mr. Pat O'Brien:** Mr. Speaker, I thank my hon. colleague for his kind words about my work as the chair of SCONDVA. I can tell the House that the hon. member is the vice-chair and he, I and all the members of that committee had a very good professional and, I think, largely non-partisan working relationship. I regret the fact that in leaving the government party and becoming an independent, it was obvious they were not going to keep me on as chairman. That came as no shock to me. I do miss that work but I wish him and the rest of the committee well as they pursue important business for the Canadian Forces.

Last Thursday was an incredible experience. The first thing that struck me, and I am sorry because I have a couple of friends in that particular caucus, was the breathtaking hypocrisy of the New Democratic Party for one. We have a leader of the New Democratic Party up on his hind legs railing about the use of closure. I have heard member after member railing about the use of closure by the government or past governments. I heard the member for Sarnia—Lambton, the longest serving member of the NDP caucus, railing about the use of closure at the time of the free trade debate.

It saddened me to watch that particular party agreeing that closure was okay when it was on something the New Democratic Party wanted. I really was disappointed, surprised and shocked. Quite frankly, we saw the same thing from our friends in the Bloc Québécois.

To answer my colleague's question, I thought it was within the rules, technically, yes, but I thought it was a pretty dirty trick of bending the rules about as far as one could, and I was just shocked by the breathtaking arrogance of a couple of the parties in this House.

**Mr. Raymond Bonin (Nickel Belt, Lib.):** Mr. Speaker, the commitment of this government to see Bill C-38 passed quickly has saddened me. I must also say that I am very frustrated at the way this legislation was handled by the government, the NDP and the Bloc, and their willingness to ram it through before summer break.

[*Translation*]

Bill C-38 promotes values that go against my most fundamental principles, beliefs and convictions, and that is why I am opposing the redefinition of marriage and reiterating my support for the motion moved on June 8, 1999:

That, in the opinion of this 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.

[*English*]

We as legislators should consider the matter much more cautiously before changing the definition of marriage, a reality that is the foundation of our society. There are few arrangements more central to human survival than pair bonds and these unions are central to the development of human society.

Marriage varies considerably from culture to culture but the primary object of marriage is the legal union of a man and a woman for the purpose of procreation and the raising of children in a traditional family environment. Therefore, if we allow same sex couples to join the institution of marriage, it will violate long held societal views that are rooted in religion, history and anthropology.

I feel extremely privileged to stand today in this noble institution to voice the concerns of the majority of my constituents of Nickel Belt. Although Canadians are against redefining marriage, they also recognize the rights of persons of the same sex who wish to form a couple but it is difficult to imagine that this same concept, the concept of marriage, can apply to two such different realities, namely heterosexual and same sex couples.

I recognize the wish of homosexuals to have their union recognized by the state in one form or another in order to assert their status as a couple and give it a name. I do not believe, however, that breaking down the concept of marriage represents any kind of social progress. Would it not be advisable to continue examining this matter rather than calling into question the definition of a reality that is considered untouchable, if not sacred, and justly so, by the majority of Canadians? Such a universal definition cannot be resolved in just a few months.

[*Translation*]

Since last fall, I have received thousands of letters, postcards, e-mails, faxes and phone calls from Canadians wishing to voice their strong opposition to the redefinition of the institution of marriage.

● (1940)

[*English*]

For Canadians seeking to redefine an institution that is the foundation of society, it is a lot more than a legal issue. This complex and crucial issue will not be resolved with Bill C-38 and if the House adopts legislation in accordance with the changes proposed in the bill, millions of Canadians will feel disgraced by their religious leaders who have not considered the basic aspect of the nature and meaning of marriage.

[*Translation*]

We often hear it said that the expression “separate but equal” cannot be applied to marriage. However, that is precisely what

section 15 of the charter provides. It 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—” In other words, equality makes it possible to treat certain individuals differently but not unfairly. If same sex couples enjoy a legal benefit equal to that of heterosexual couples, the requirements of the charter are met.

We must recognize that the charter came into effect to guarantee individual rights in Canada and not to serve as a tool for social change. It is hard to believe that the definition of marriage could be discriminatory, when the practice is not.

This is a matter of public social ethics and not of the charter of rights. Many believe that the charter is a red herring in the issue of the institution of marriage.

Bill C-38 does not consider the ordinary citizen who has neither the means nor the political power of the strong homosexual lobby. With the attack focussed on the traditional definition of marriage, Canadians feel that they are being handed a hot potato and that the effects of such a choice on our society will be negative and unpredictable.

[*English*]

We obviously cannot fully address an issue as complex as the redefinition of marriage through the strict legal approach taken by the Supreme Court of Canada and reflected in the bill. The desire to improve the social position of homosexuals and the current heated debate in fact call upon us to look for new solutions but such a process cannot change the inescapable fact of human experience.

It is essential we do not forget that marriage between a man and a woman is a natural state of affairs in accordance with human constitution and the purpose of marriage. As I said before, this does not rule out same sex unions but they are not the same thing.

The sexual difference of the human race has always been reflected and recognized in marriage which, by granting a man and woman the status of a couple, provides for the procreation of the species. The findings of ethnologists, cultural anthropologists and historians show that throughout time worldwide, with few exceptions, from the most primitive to the most modern societies, heterosexual couples have received special recognition if not nearly sacred status.

Through various rituals practised by families, religions or the state or a combination of these three, humankind has always affirmed the crucial role that a man and woman in a couple play in building society by granting the couple special status and protection. Common law unions, which reflect a crisis in society and have repercussions on the institution of marriage, are subject to the same laws that the state applies to marriage and the family. In this way the state protects the rights of spouses and children.

It is very clear to me that this debate is not about individual rights but rather the common good of our society and the spiritual and physical well-being of our children and the future of Canadian families.

If homosexual marriage is legalized it becomes a norm. I am afraid it will inevitably lead to the trivialization of the institution of marriage and eventually to the deterioration of our societal fabric. There is no denial that the institution of marriage emphasizes the interest of every child, natural or adopted, to be raised as a first choice by a mother and a father.

This is why it is most surprising to note that the bill does not mention children. Even though Bill C-38 recognizes “Whereas marriage is a fundamental institution in Canadian society...and represents the foundation of family life for many Canadians”, this silence is both suggestive and disturbing.

As children are created by a woman and a man, they need both a mother and a father during the first years of their lives in order to develop normally. Normal development for a child can better originate in a stable family situation where the mother and the father occupy their traditional roles. Studies in sociology and psychology have confirmed this evidence.

We are living in an era where nobody's rights are more infringed upon than those of our children: the right to have two parents, the right to stability and the right to live in harmony with affection. Is it not more important to protect our children's rights and should we not be more preoccupied with those rights than the question of same sex marriage?

The General Assembly of the United Nations reminded the world in its Declaration of the Rights of the Child that “The child...shall grow up in the care and under the responsibility of his parents, in an atmosphere of affection and material security”. In this perspective, we ask ourselves how Bill C-38 would impact and what negative consequences it would have on our children.

It is our prime responsibility to defend the rights of those who do not have the ability to be part of this debate, the ones who will be most affected by these major changes on our society. It is fundamental that we protect our children who will be the first victims of this legislation.

The only positive aspect of this debate is that it forces us as individuals and collectively to reflect on an institution in crisis and on its role in society. Like it or not, heterosexual marriage, which consecrates the union of a man and a woman, is the very foundation of our society and of the family. Society owes its very existence to the family. The rapid pace of change in society today has, in a sense, blinded many people.

● (1945)

We must recognize that we should not play with a concept as important as marriage without more serious thought, in spite of the pressure to name the new social reality of same sex couples. It is essential for our society that the wisdom recorded by ethnologists and historians must not be tampered with lightly.

I find it very challenging to see how expanding the definition of civil marriage will benefit homosexuals. On the contrary, the public reaction to the redefinition of marriage could lead to a rejection much more profound than what this minority has experienced thus far.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, quite frankly, there is not too much of my colleague's speech with which I disagree.

I do not think we are at this point by accident. The legislation was not born yesterday. Surely it was discussed by the Liberal caucus. Surely the member had some input. I understand that close to half of the Liberal caucus share the same opinions on same sex marriage as do people on this side of the House. That must have been discussed at caucus meetings. That must have been discussed among Liberal members themselves.

I am wondering if part of the speech the hon. member gave does not ring somewhat hollow. Why was there not a groundswell among the members who oppose the legislation as fervently as they say they now oppose it? Why was it not brought forward to the Liberal caucus and ultimately to the Prime Minister to dissuade him?

I wonder if the member could give us his thoughts on that.

**Mr. Raymond Bonin:** Mr. Speaker, as reflected in my speech, I am not in agreement with my party and with my government, but there is one thing I will hold to and that is I will not make this bill a partisan affair.

The hon. member asked me what went on in our caucus. He knows very well that what happens in his own caucus is strictly confidential.

Evidently there are many different views on this issue and people are able to justify their positions. It just so happens that my position is very clear, but I wish that the members opposite and the members on my own team would not make this a partisan issue. It is much too serious for that. There are too many consequences for families and for children.

**Mr. Andrew Scheer (Regina—Qu'Appelle, CPC):** Mr. Speaker, I agree with my hon. colleague that there are far too many consequences for Canadians and for families.

I want to ask him a question, because I know his constituents who are as concerned about the legislation as I am will ask him the same question. A hundred years from now, does he think Canadians would be more concerned or society would be more impacted by the changing of a definition that he rightly called a fundamental part of society, or would they be more upset if we had an election, if the hon. member had voted against Bill C-48, cancelled the NDP-Liberal coalition, ceased to be a member of Parliament, but did the right thing?

Maybe he would not have ceased to be a member of Parliament. Maybe his constituents would have rewarded him for standing on principle, for doing something that he believed in. Does he think that 100 years from now, 50 years from now or even 20 years from now there would be more repercussions from changing a fundamental aspect of society than there would have been over a federal election or the cancelling of a deal with the NDP?

● (1950)

**Mr. Raymond Bonin:** Mr. Speaker, the hon. member used the word “maybe” about five times in his question.

Again, I say it is much too serious to make it a partisan issue. That suggests that the member assesses the political repercussions of everything he does in the House. I do not. I made my decision when I was a teenager. When I was a child with my upbringing my position on the bill started then.

I did not stop and take a poll to determine how it will affect my re-election, if I will run again or which party I am in. That is not the way things work.

The people of my riding have asked me every question in the book. I am very open to them. We have a good dialogue. I am more concerned about what will happen in 20 years. My friend talked about 100 years.

Twenty-two years ago Parliament voted in favour of the Charter of Rights and Freedoms. I maintain that if someone had said then that if we voted for the Charter of Rights and Freedoms, we would be opening the doors to same sex marriages, the Charter of Rights and Freedoms would not have passed in the House. Twenty-two years is a long time.

**Mr. Andrew Scheer:** You are making my point.

**Mr. Raymond Bonin:** Mr. Speaker, I am not making the member's point. His point was how 100 years from now it would affect my re-election.

**Hon. Paul DeVillers (Parliamentary Secretary to the Prime Minister, Lib.):** Mr. Speaker, I find it somewhat comical to hear the members of the Conservative Party chastising Liberal members for not voting against their budget when they had the opportunity and did not have the hands on deck to do that, but that is not my question.

The member and I are on different sides of this issue; notwithstanding that, we respect one another's position. He started his comments based on the fact that this was being rammed through, or words to that effect. The hon. member for London—Fanshawe made the same point, that this is a process that is being rammed through.

My direct question is, if there was another six years of debate on this issue, what are the chances that his position would change?

**Mr. Raymond Bonin:** Mr. Speaker, six years may not change the position based on the legislation we have before us. It would give us an opportunity to attempt other solutions. Have we asked members of the gay and lesbian community if they would accept the definition "civil union"?

I explained my position to every gay and lesbian person who called me, that what I was concerned with was the word "marriage". I asked them whether they could live with the definition "civil union". Every single one of them agreed they could live with that. That was not a big issue for them.

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I do not rise to address Bill C-38 in order to filibuster or obstruct Parliament, as some contend. I rise to speak in order to change the minds of those who would vote in favour of this bill.

I sincerely and profoundly want Bill C-38 defeated. I represent millions of Canadians who do not want this bill passed. I represent

millions who believe that marriage is and should remain as the union of one man and one woman to the exclusion of all others.

It is undoubtedly unrealistic of me to expect that every member of Parliament will take a copy of my speech and before he or she goes to bed tonight will read and ponder what I am about to say. I probably kid myself into believing that each one will thoughtfully ask himself or herself the pertinent questions which I am going to pose.

Instead of restating the positions which I have already articulated in my previous speeches on this topic, I am going to ask a series of questions which I challenge others to answer honestly, to put aside prejudgments on these questions and to try desperately to think of these things on a deep level.

Here are the questions. They are not in any particular order. I just wrote them down as they came to mind.

Question 1: Am I ready to undo the traditions and teachings which have directed societies and nations over many millennia?

Question 2: Am I ready to contribute to a weakening of the family unit as it has come to be understood and sought after by generations of people in history?

Question 3: If I have a belief in God as taught by my religion, am I ready to go 180 degrees against the teaching of my religion?

Question 4: If I have no professed religious belief, am I ready to undo thousands of years of tradition and history?

Question 5: Why is it necessary to so profoundly offend the millions of Canadians who, from either a religious or non-religious basis, do not want to have the definition of marriage redefined?

Question 6: Have I read and studied with an open mind the hundreds of studies which show that children raised in families with their biological mother and father do best in all defined measurable categories?

Question 7: Do I really believe that it is in Canada's best interest to promote the increase of families which do not have a mother and father present for the development of the children?

Question 8: Am I ready to say to children brought into these homosexual unions that they may never know their biological roots, being denied forever the knowledge of either their biological father or mother?

Question 9: Am I ready to say to every person so raised that they do not have the right to determine their genetic heritage?

Question 10: Have I asked myself why in this debate the only questions of equality are for the equality of homosexuals, instead of the broader question of equality for all relationships, including non-sexual relationships?

Question 11: What are the actual benefits to society to have the traditional definition of marriage nullified?

Question 12: What benefit is there to the children involved in society as a whole if we transmit the message that fathers do not matter, or mothers do not matter?

Question 13: Is it really true that there are no consequences to a child being raised in a home where only one gender is represented in the parentage?

Question 14: Will this redefinition assist or hinder young people in gender identity issues?

Question 15: How will children in these relationships have any hope whatsoever of learning the roles of males and females when they are not being modelled for them?

Question 16: Why did members of the Liberal Party do a 180 degree reversal of their position of supporting the definition of marriage as the union of one man and one woman to the exclusion of others, as demonstrated in their 1999 speeches and vote?

Question 17: Were the Liberals right then and wrong now, or were they wrong then and right now?

Question 18: Why would the Deputy Prime Minister, then minister of justice, speak so eloquently that the equality issues can be addressed without redefining marriage if she did not believe it?

Question 19: Is there some concern about the hidden agenda in the Liberal Party when it promised right before an election, "It is not the intention of this government to change the definition of marriage," and then after the election do the precise opposite?

• (1955)

Question 20: Why will the Prime Minister not permit a free vote on this important issue for all members in his party, including cabinet ministers and parliamentary secretaries?

Question 21: Is it not important to hear the thousands of Canadians for whom this is a very important issue and to seek a compromise solution that avoids offending deeply so many good citizens of our country?

Question 22: Is it not a bit of a hollow promise on religious freedom if in the very vote on the issue Liberal members are not permitted to exercise their religious freedom and conviction?

Question 23: If their position on this bill is so right, then why can they not trust their members to vote correctly, without coercion?

Question 24: If this is truly a human rights issue and there are apparently some 30 or more members in cabinet or in parliamentary secretary positions in the government, why are these intolerant members permitted to continue in their positions?

Question 25: Why is the government giving false assurance of religious freedom when we already have a number of cases in which people with religious faith or leaders in religious organizations are being hauled before various tribunals and in some cases are being punished?

Question 26: Is there not a concern regarding the loss of individual religious freedom when this bill addresses only the apparent freedoms of religious organizations? I emphasize the words "individual religious freedom".

Question 27: Is there not a concern with the fact that the Supreme Court, in its reference, ruled that religious freedom in the sense anticipated by the bill is not within the federal jurisdiction to grant?

Question 28: What about the marriage commissioners in British Columbia and Saskatchewan who have been given notice to solemnize same sex marriages or lose their credentials? What about their religious freedom?

Question 29: What about individuals like the teacher in B.C. who was suspended from his position solely on the charge of expressing his personal opinions in letters he wrote to newspapers?

Question 30: What about the individual in Saskatchewan who lost a case in which he was charged with quoting the scriptures?

Question 31: What about the Catholic school board that was forced to go against the teachings and beliefs of the church at a recent graduation ceremony?

Question 32: What about the mayor of a major Ontario city who was fined for not promoting a teaching that was against her religious beliefs?

Question 33: What about the religion based camp in Manitoba that was charged because it refused to go against the convictions and beliefs of its supporting members?

Question 34: Is it a concern that the democratic process is being trashed?

Question 35: Why are the million or so names on petitions presented in this House being ignored?

Question 36: Why are members of Parliament being bullied into voting opposite to the wishes of their constituents?

Question 37: Why was the justice committee of the last Parliament shut down before being permitted to report and the present special committee totally stacked with individuals on one side of the debate, having its work truncated in order to ram this legislation through?

Question 38: Why is this issue so urgent that it justifies an extended session of Parliament into the summer?

Question 39: Is part of the tactic to push it through quickly, using the excuse that members must get back to their commitments in their ridings and other parts of the country?

Question 40: Why is it so important to stifle the opposition to this bill?

Question 41: How come, in 1999 and previous votes, the traditional definition of marriage was clearly upheld and now, just a few years later, it is under attack?

Question 42: Why is the Prime Minister so determined to jam this bill through quickly? It is because he hopes the voters will forget by the time of the next election?

Question 43: If this approach in social policy is so defensible, why is there such fear that the voters of the country will react negatively against the Liberal government?

These are important questions and they demand honest answers. I fear that many members have been bullied or deceived into supporting this legislation. In my view, this legislation is wrong. We should do the country and its citizens a huge favour by defeating it and getting the solution to these problems right.

I urge all members to support the amendments which address these serious questions and to vote against Bill C-38. We must do what is right. We must defend the family, moms and dads and the social order which has stood the test of time and history. Let us not go down the wrong road at this time and then have to deal with the consequences in generations to come.

• (2000)

**Mr. Charles Hubbard (Miramichi, Lib.):** Mr. Speaker, the hon. member has had a long history of teaching at community colleges and schools. He did pose a lot of questions, but first of all he had a number of points I would like to reflect on. He should recognize that in terms of our party there is division on this issue, but he should look at the other two corners of the House. In that corner, the NDP members are all for it and the Bloc members are almost all for it. When he looks at us, he sees at least 30 members or so who have concerns with this bill.

I would like to ask him a question. As a teacher he must have some answers. In regard to questions 41 and 42, what are the correct answers?

**Mr. Ken Epp:** First of all, Mr. Speaker, with respect to the support from all members of the House, in my estimation, some 20% of eligible voters voted for the Liberal Party. It was 20% if we factor in the percentage that voted in the general election and the percentage that voted for the Liberals. The same is true for the NDP.

Based on the feedback we have had and the literal outpouring of concern by citizens right across the country through emails, petitions, phone calls, faxes and meetings, I contend that this is a big issue—I have been invited to a number of meetings and rallies—and it is an offence to the Canadian people to so ruin the democratic process that they are not listened to.

Furthermore, I venture to guess that the proportion of people in the Liberal Party who support this would be much closer to the proportion in the general population if they were actually able to represent the wishes of their constituents. I cannot believe that those who are ready to vote in favour of Bill C-38 are totally immune from these presentations.

I was asked about questions 41 and 42. First, why was the definition of marriage clearly upheld in 1999 but now is under attack? To me the answer is very simple, that is, the Liberals, and especially the Deputy Prime Minister, who is famous for that speech she made in 1999, did not speak from conviction at that time or else they would not have changed their convictions. I think that is basically the answer.

Why is the Prime Minister so determined to jam this bill through? I think it is simply because the Liberals know they are going to be punished at the polls if it is still on the books. They want to get it out of the way and hope that voters will forget. I trust, however, that the voters will remember and will say that they are going to turf these Liberals because they are doing the wrong thing here.

• (2005)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, when the Ontario Court of Appeal decision came down and instantaneously changed the common law definition of marriage, at the same time there was no statutory definition of marriage in any statute of

Canada. We actually went from 1999 on without a definition of marriage in federal law because it is in the common law.

The argument was made that we need to have Bill C-38 so we can normalize it right across the country, but while we have been working on this process, interestingly enough, now we have eight provinces and one territory doing this. The vast majority of the country is already there. It seems to me, and maybe the member wishes to comment, that Bill C-38 no longer serves a useful purpose. It probably should be withdrawn and we should let the courts continue to make the law.

**Mr. Ken Epp:** Mr. Speaker, first I would like to say that until 1999 and in the years immediately preceding, we were covered in our definition of marriage by the common law. In fact, superior court decisions at that time were upholding that definition. I do not have them here and I do not have time to quote them, but there were decisions such as the heterosexual definition of marriage being upheld.

In my view, both the courts of the country and the government were in contempt of Parliament, because in 1999, the party of which I was a member at that time, proposed its motion which said that marriage is and shall continue to be defined as “the union of one man and one woman to the exclusion of all others” and that Parliament should take “all necessary steps” to preserve that definition.

When the courts ruled opposite to that, somebody should have said, “Whoops, the court cannot do that”. Yet the government—and I say it did so in contempt of Parliament—failed to carry through on a vote that carried with a huge majority in Parliament by failing to challenge those court decisions. It should have, it could have and it chose not to. The Liberals were sitting on their duffs and they failed the country. That is why we are in this morass now.

The member suggests that the bill should be withdrawn. I agree with that. He said the courts should continue to make the law. I disagree with that. I believe very strongly that this place, right here, where the people are represented by members of Parliament, should have the ultimate say in the law of the land and the courts should have the role of enforcing the laws made here.

**Mr. Andrew Scheer (Regina—Qu'Appelle, CPC):** Mr. Speaker, I would like to ask a question. Does anyone here remember what Richard Rich accomplished as Attorney-General for Wales? Probably not. Father Raymond de Souza asked that question in his most recent article.

Many people remember Richard Rich not for what he did as attorney general, but rather as a stark contrast to the life of St. Thomas More. St. Thomas More stood by his principles, acted according to his conscience and paid the ultimate price for choosing his conscience before his political master. For choosing his political master before his conscience, Richard Rich was rewarded with the 16th century equivalent of a cabinet position.

Father Raymond de Souza relates a story about the film on the life of St. Thomas More. As St. Thomas is led up to the gallows, he turns to Rich and, seeing the insignia for Wales on his neck, says the following, “It does not profit a man if he gain the entire world but loses his soul. But for Wales, Richard?”

Today we can ask ourselves, "But for a cabinet spot in the Liberal government?"

We cannot discuss Bill C-38 without discussing the Liberals' aversion to democracy. We are sitting here today, a week after the House was supposed to rise, debating this issue due to the heavy-handedness on the part of the Liberal government. The Liberals trampled over parliamentary democracy last week by extending the sittings of this House to ram through their radical position on marriage. They had to ram it through, because they know that the vast majority of Canadians do not want to see the definition of marriage changed.

I sat in on a committee hearing for Bill C-38. I saw at first hand how the Prime Minister's idea of a fair and open committee operates.

We heard dozens of groups opposed to homosexual marriage complain that they were given little to no notice. They were even unable to get their documents translated in time and therefore were often prevented from tabling their evidence in time for the hearing. I also saw government members badgering witnesses and berating them, in the words of a former Liberal MP, for being opposed to the legislation.

The nature of the committee itself was also manipulated to ensure speedy passage. The committee was struck only to look at the technical aspects of the bill. Its members were not even allowed to hear evidence regarding the substance of the bill or how the bill might impact society.

There were also many reports that those groups opposed to Bill C-38 were not given funding for their travel expenses and other expenses incurred in coming to testify before the committee, but many groups who were in favour of the government's position were provided that funding. There is a clear imbalance there.

Upwards of 30 Liberal MPs are currently stating their opposition to this legislation. Logic would dictate that the Liberal whip would allow even just one pro-traditional marriage member to sit on that committee, but again, we know that there was not.

Another example of how the Liberals hate democracy is the fact that the entire Liberal cabinet is being whipped on this issue. Cabinet ministers have wrestled with their consciences and their consciences have lost. The lure of the cabinet car and the fierce stick of the Prime Minister's Office pounded their consciences into submission. I hope they put up a good fight.

Canadians have already seen the rights of religious groups and others being infringed. Religious institutions are already under attack. Individual Canadians have already been attacked for their own views on this subject. I can give members a few examples.

First, there is the case of a British Columbia teacher. Exercising his freedom of speech, he wrote several letters to the editor about this subject. In return, his teaching licence was suspended. This is an example of freedom of speech being infringed. Bill C-38 does nothing to protect individuals like this one in the example I cite.

Second, there is a move in Ontario to remove the biological information of parents from birth certifications. Can members imagine children not knowing who their biological parents are?

I would like to quote Dr. Margaret Somerville, because the central question we are talking about here is whether marriage is still connected to the potential to have and raise children and to provide a stable environment for those children, or whether it is simply connected with the personal needs of two adults in a close relationship.

Dr. Somerville states:

The crucial question is: should marriage be primarily a child-centred institution or an adult-centred one? The answer will decide who takes priority when there is an irreconcilable conflict between the interests of a child and the claims of adults. Those who believe that children need and have a right to both a mother and a father, preferably their own biological parents, oppose same-sex marriage because...it would mean that marriage could not continue to institutionalize and symbolize the inherently procreative capacity between the partners; that is, it could not be primarily child-centred.

● (2010)

In short, accepting same-sex marriage necessarily means...abolishing the norm that children...have a prima facie right to know and be raised within their own biological family by their mother and father. Carefully restricted, governed and justified exceptions to this norm, such as adoption, are essential. But abolishing the norm would have far-reaching impact.

We also know of the case of the Knights of Columbus also in British Columbia. It is being harassed because it refuses to compromise its own conscience and rent a hall out to a homosexual couple. Its religious beliefs do not allow them to rent it out and it is being persecuted for following their faith.

There is also the case of Bishop Fred Henry. He dared to speak out against homosexual marriage and was rewarded by having the charitable status of his church threatened. Here is Bishop Henry's assessment of the so-called protection of religious institutions portion of the bill:

The recent Supreme Court decision bows in the direction of religious freedom. However, it adds a disturbing qualifier to its decision, namely, the statement that, "Absent unique circumstances with respect to which the Court will not speculate, the guarantee of religious freedom in s. 2(a) of the Charter is broad enough to protect religious officials..."

When you read this carefully, you don't have to be a lawyer to recognize an open door. Particular circumstances might lead to some future court legitimately trying to force religious officials to perform these ceremonies against their conscience, though the justice system declined to speculate on what those circumstances might be. It's disquieting that the court would even raise the possibility.

Bill C-38 not only does not close the door; as a matter of fact, it fails in a number of particular ways to support religious freedom.

He lists them:

One, it fails to recognize, protect, and reaffirm marriage as the union of a man and a woman, which the Supreme Court of Canada did not suggest was contrary to the Charter of Rights and Freedoms, nor did it suggest that a redefinition of marriage was necessary to conform to the charter.

Two, it fails to affirm cooperation with the provincial and territorial governments to enact the necessary legislation and regulations to ensure full protection for freedom of conscience and religion so Canadians are not compelled to act contrary to their conscience and religion.

Three, it fails to affirm cooperation with the provincial and territorial governments to ensure all leaders and members of faith groups are free everywhere in Canada to teach and preach on marriage and also on homosexuality, as is consistent with their conscience and religion.

Four, it fails to affirm cooperation with provincial and territorial governments to ensure that in addition to sacred places, all facilities owned or rented by an organization that is identified with a particular faith group are protected from compulsory use and preparations for or celebrations related to marriage ceremonies contrary to that faith.

Five, it fails to affirm cooperation with provincial and territorial governments to ensure all civil as well as religious officials who witness marriages in Canada in every province and territory are protected from being compelled to assist when these are contrary to their conscience and religion.

Six, it fails to safeguard faith groups that do not accept the proposed redefinition of marriage from being penalized with respect to their charitable status.

Bishop Henry put it quite well. Those are major problems with the bill.

Now let us talk about the issue of human rights and the courts. Many people in the Liberal Party contend that this is a matter of human rights. Let us read what Justices McLachlin and Iacobucci in the Supreme Court decision in 1996 mentioned about the idea that it was a human rights issue and that Parliament could not legislate statute law in violation of what the court said. The justices said:

It does not follow from the fact that a law passed by Parliament differs from a regime envisaged by the Court in the absence of a statutory scheme, that Parliament's law is unconstitutional. Parliament may build on the Court's decision, and develop a different scheme as long as it remains constitutional. Just as Parliament must respect the Court's rulings, so the Court must respect Parliament's determination that the judicial scheme can be improved. To insist on slavish conformity would belie the mutual respect that underpins the relationship between the courts and legislature that is so essential to our constitutional democracy.

That is what the justices said, that Parliament does not have an obligation to do whatever the courts say in the absence of statute law. Parliament can in fact enact that statute law. Yet we have still seen a growing number of Canadians being attacked for their religious beliefs.

In my home province of Saskatchewan marriage commissioners are being fired for their personal beliefs. The anti-democratic behaviour of the government, along with the failure to protect religious officials and ordinary Canadians from persecution from expressing their own personal beliefs is appalling.

I want voters to know that if they had elected an NDP member of Parliament, their MP would not vote according to his own conscience or according to the wishes of his constituents. He would vote the way his leader told him to. Anything the Liberals can do to be undemocratic, the NDP can do better. The leader of the NDP is forcing his MPs to toe the party line and endorse homosexual marriage.

Thankfully, the voters in my riding rejected that kind of heavy-handedness. I will vote according to the wishes of my constituents and according to my own conscience.

• (2015)

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Mr. Speaker, the member just chastized the NDP members for not following their constituents. The Conservatives were worse when it came to the votes on Iraq and missile defence. They were quite aware that a majority of their constituents were against it. When their leader was asked in the House, he specifically said that the constituents were against missile defence, that they were against the war with Iraq, but that the Conservatives had to stand on principle, they had to show leadership and go against their constituents.

• (2020)

I encourage the members to not bring up faults that they exemplify in themselves.

**Mr. Andrew Scheer:** Mr. Speaker, I am racking my brain for one time when the Prime Minister tabled what ballistic missile defence was going to be. He dithered on that file for months. There was no vote on missile defence because the Prime Minister did not have the backbone to come into Parliament and take a position.

How can we take a vote on something that the Prime Minister dithered for months over and did not bring to this House? That is a ridiculous example. If that is the best example that member can even point to about us not voting on the wishes of our constituents, then we must be doing a great job.

**Mr. Jeff Watson (Essex, CPC):** Mr. Speaker, I commend my colleague for his comments in the House here today. He is doing a fine job on behalf of the people of Regina—Qu'Appelle.

Originally, 34 Liberals voted against Bill C-38. One is now an independent member of Parliament in the House. We heard the Parliamentary Secretary to the Minister of Justice earlier today say that cabinet had to be whipped in order to support Bill C-38 because it was a human right.

Why does the Liberal government now support 33 human rights violators in its caucus?

**Mr. Andrew Scheer:** That is an interesting point, Mr. Speaker. There are all types of different people in the Liberal caucus. I am not sure why the Prime Minister would speak so vociferously against those people opposed to the same sex marriage and then allow those people to stay in his caucus.

I think maybe it is because the only thing that will cause a member to be ejected from the Liberal caucus is a personal attack on the Prime Minister. We have seen Liberal MPs make all sorts of comments, some disparaging of our closest friends and allies to south and some taking extreme positions on all sorts of moral issues. Nothing will cause them to be kicked out of caucus unless they have for some reason criticized the Prime Minister. That is the only moral sin of being a Liberal.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I find it interesting. Today a number of members suggested that some Liberal members should have voted against Bill C-48. That would have brought down the government down and they would not have had to deal with Bill C-38 until some other time. That does not change the common law definition that is in eight provinces and one territory already. Quite frankly, it is time to address the problem more frontally.

The problem is we have a situation of court made law. I will get into that hopefully when I speak at third reading. Since we are speaking about the report stage motions under Group No. 1, could the member name one of the amendments proposed in this group?

**Mr. Andrew Scheer:** Mr. Speaker, the hon. member talks about common law and judge made law. The Conservative Party is talking about that whole point.

There was a common law definition in our country about the definition of marriage and one group of judges in Ontario struck it down for the entire nation. Now, in the absence of statute law, the courts made that decision. It is still entirely within the rights of Parliament to enact statute law to address that. We can keep the traditional definition of marriage by filling the vacuum and passing that statute law.

He says that if those Liberal MPs had voted against Bill C-48 to force an election, then for 36 days we would not have had a government and we would not have addressed the vacuum in the absence of a statute.

What we would do is allow Canadians to have their say on this issue, to vote for members of Parliament who represent their views. I would propose that we would have had more pro traditional definition of marriage MPs in the House. We could have enacted the statute law to preserve the traditional definition of marriage and address the very problem about which the member spoke.

● (2025)

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Mr. Speaker, as with a lot of my colleagues, I have addressed this issue on a couple of occasions. I have done it from the point of view of constitutional law, common law and natural law. I would like to ask a compilation questions of the Liberal MPs who are gathered here tonight, questions that have been sent to me by my constituents on this issue.

In the last poll I did, to which over 1,500 responded, 82% were in favour of leaving the definition of marriage as between a man and a woman. The first question is on the will of the people. It has been consistently clear in polling that a majority of Canadians want the definition of marriage left alone as between a man and a woman, especially when they understand that homosexuals and lesbians have the right to unions and have rights associated with those unions. If a majority of Canadians do not want this legislation, where does the government get its mandate to change a definition as long held as that of marriage at the request of about 0.5% of the population? That is a Canada census statistic of people who call themselves same sex couples.

Even among the homosexual community there is not a majority view. Many homosexuals within that community have asked that we leave the definition of marriage where it is and not to get involved. Where is the mandate coming from on such a minute issue?

Second, many commentators are perpetrating a misleading nuance suggesting that the Supreme Court is requiring a change in the definition. That is not true. The court did not say the man-woman definition was unconstitutional. As a matter of simple fact, every major human rights declaration in the world, including the United Nations and the Geneva conventions, also defines marriage as the heterosexual union between a man and a woman to the exclusion of all others.

The next question being asked is this. If the government wins this vote, will it then be consistent and go after every human rights declaration from the UN to Geneva and tell them to change it because they are violating the rights of others? Will it be intellectually honest and do that?

A number of provinces have sided with their courts that want a change, but only because the federal government has never challenged the Ontario ruling. If the higher jurisdiction of Parliament maintains the definition, then the provincial governments will be able to uphold homosexual unions, but they simply will not be able to call it marriage. The member for Mississauga South has said the whole thing is a moot point. This is a red herring and an absolute fallacy. The federal government has yet to rule on this.

Most commentators are diminishing the yet unknown legal and social implications of the change about which we are talking. It is difficult to predict the long term consequences since only two other countries in the entire world have gone down the path of social engineering. France just voted again not to do this. We have to contemplate the consequences of what we do and look at what already has happened before the laws even changed.

A religious group in B.C. is being charged because it does not want homosexual weddings on its private premises. A B.C. teacher, Mr. Chris Kempling, is paying a huge price for quoting scripture on the subject, not in school but in a newspaper article. Marriage commissioners already are being fined or fired for declining to wed against their consciences. A Catholic bishop has been dragged before a human rights court and faces serious sanctions simply for articulating the position of the church.

Various groups and religions are demanding legal status of marriage for bigamy and polygamy. Their arguments are the same as the other arguments we have heard. They claim to be oriented to caring, loving and voluntary relationships. They say, and they are right, that they will have grounds for discrimination if they are not included with the homosexual, lesbian, bisexual and transgender unions that are called marriage now. How can anybody say no to those who are already asking for bigamous and polygamous relationships to be recognized as marriage? How can we intellectually or morally say no to that once we change the difference?

The next point is that school boards are already being pressured to teach the same level of explicit sex education in elementary schools, depicting homosexual activity as it now does heterosexual activity. Are members of Parliament aware of this and are they in support of it?

The next question I have been asked relates to this. The Supreme Court has given no guarantee for religious reasons under this new change. There is no guarantee of religious protection.

● (2030)

It has been suggested by my constituents and others that the Liberals know very well that once the definitions have been changed, any clause that has been added to grant exemptions for religious reasons will be immediately challenged. Militant homosexuals have already served notice that they will challenge those amendments and knock them down.

Does anyone seriously believe that a court, which is now stacked with judges who are activists on this issue, would actually allow millions of Canadians, and the religious organizations to which they belong, the right to be exempt from this new law? I ask members to think about that. We would like an answer on that.

Many people suspect, with good reason, that the only reason the Liberals are trotting out these last minute cosmetic changes along these lines is to temporarily placate the large numbers of Jews, Christians, Muslims, Sikhs, Buddhists and others who have concerns from a spiritual and a religious point of view.

The crafters of these false protections know very well that in the not too distant future today's amendments will be tomorrow's rejections in the courtrooms of our land.

The next question: Why should this supposed protection only be given to religious groups? What about the thousands upon thousands of Canadians who do not adhere to any particular faith but they want to speak out against this law and for purely secular reasons?

I have talked with many of them in my own constituency who want the freedom to say publicly that they believe that legalizing homosexual marriage is contrary to the laws of nature. Who will protect them? There is not even a fake religious protection out there for them.

I am not talking about the propagation of hate. I am talking about protecting people who want to speak freely on matters, even if it provokes debate and even if it makes others feel uncomfortable.

Unfortunately, the early record of the courts and the human rights commissions across the land have not been encouraging on this point. If this is the chilling effect on freedom of speech that we are seeing even before this change, I am not encouraged about our protections afterward.

I invite those on the other side of the debate to engage us on these concerns with intellectual honesty and not simply dismiss these very sincere concerns of our constituents as being alarmist or unfounded.

My final question goes to the core of democracy itself. We have here before us the most significant piece of policy change our Parliament has ever seen. It is an issue of breathtaking proportions which touches the very core of our society and the very pillars of our civilization.

Canadians on both sides of this issue have deep heartfelt feelings about it. There is a debate going about whether these changes will be constructive to our social order or in fact destructive. Here we are with this incredible decision before us, a matter that touches the heart, the soul and the conscience of every MP here, and we are witnessing a travesty and a tragedy of the democratic process that poisons the whole of the debate and robs MPs and their constituents of their most basic and precious parliamentary right, namely the right to honest representation in this chamber. It is not being permitted and that is a travesty.

This travesty has come upon us because of the pompous and alarming dictates of the Prime Minister and the leader of the NDP who have robbed this chamber of its most vital integrity by not allowing MPs to vote freely according to their own hearts and the hearts of their constituents.

What is the pretense for this action that is pure tyranny on the part of these leaders? It is the view of the leaders that this is a matter of rights and, therefore, no other position is of value. That is the debate, whether this is a sacrosanct right or not.

Do we have to remind ourselves that almost every question we debate here touches on rights of some kind. What right in this chamber is paramount? The right to represent those who send us here. The Prime Minister and the leader of the NDP are violating that most precious right.

What is really disturbing is that if the bill passes, as it appears it might, it will pass even though a majority of the MPs, if they were allowed to vote freely, would not be supporting it.

I ask the MPs who are being gagged and stifled to please think about that for a minute. We are about to have a vote in these hallowed chambers which will affect our society in the most profound of ways imaginable. The bill will only pass because a number of MPs are allowing themselves to be democratically neutered, while their colleagues sit back and allow this atrocity to take place without a word of protest. Shame on them.

Every other vote that we have in the House after this will have a hollow ring to it. We will have the memory of colleagues being forced at political knife-point to fulfill the abusive demand of their party overlords. Every time they rise to vote on any other issue, thinking they are voting freely, they will know in the back of their minds and their hearts the only reason they are being allowed to vote is because their leader has said they could, and it happens to line up with what the leader thinks on that particular issue.

• (2035)

I want members to think about something. Years after they have left this place, when their grandchildren look them in the eye and ask them how they voted on this historic legislation, will they be honest and say that they voted the way they were ordered to? Will they be honest and admit that or will they say that they voted according to their conscience and took a stand, as one member of their caucus did and was punished for it? That is a shame.

We would like to see freedom and democracy in the vote on this issue and we would like our sincere questions answered. It is about Canada.

I will close with the line out of our anthem, despite what is going on here and this travesty of justice and democracy, may "God keep our land", and may he keep it "strong and free".

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member should be very careful about attributing information that is not quite right. He mentioned that the amendments being put forward here were somehow by government members. In fact, out of the seven motions to amend at report stage, five of them are by his own party, one is by an independent and the other one is by me to withdraw a clause, not to add anything. The member should be very careful about his facts on this matter.

He further suggests that somehow people are being coerced. I have spoken out on behalf of the family and defended marriage and will vote against Bill C-38 for a third time. However in all honesty I have never heard or felt any pressure by anyone. In fact, the member well knows that it is against the rules of Parliament to try to influence a member's vote, and that would be under a matter of privilege.

The member reacted to something I said in an earlier question and I think we should let this debate go a little bit further. If Bill C-38 did not exist and the other two provinces and two territories just made their copycat decisions, the common law would be across Canada and the definition of marriage would be any two persons to the exclusion of all others. There is no difference between that and Bill C-38 passing.

The question really comes down to what the resolution is. We have the courts changing it but we know there should have been appeals. At the Ontario Court of Appeal, the Halpern decision trashed marriage. We did not appeal that and I want to know why we did not do it? How will we ensure that the line in the sand, being the protection of religious rights and freedoms, will not be subject to the same kind of attack by the courts?

**Mr. Stockwell Day:** Mr. Speaker, first, why the government did not challenge the lower court ruling is the very question we asked. This is what this is all about. If the government had done the right thing and challenged those lower court rulings, this would have been put down as it was in other jurisdictions and in other countries. When a lower jurisdiction tried to illegally push through a marriage act that was beyond its jurisdiction, the higher jurisdiction ruled on it, whether we are talking about California overruling a mayor or what happened recently in France. I talked with the ambassador about this. A city mayor tried to deliver a marriage certificate to allow this to happen and the government, based on the will of the people, told the mayor that he could not do it.

The federal government wimped out. It gave a reference to the Supreme Court hoping and praying the Supreme Court would say that the definition of marriage was unconstitutional but the Supreme Court did not say that. It did not say that it was unconstitutional. The Supreme Court in that case said the right thing. It said that if anyone were going to decide or make a decision it would be Parliament.

The member also said that he did not feel any pressure. Why did he not feel any pressure? One only has to count how many rows back he is sitting. If he had been sitting in one of these first two rows, the pressure would have been extreme.

I do not know how those members can live with themselves when they know what is right, and I do not even want to surmise their reasons. However the Prime Minister has forced all cabinet ministers and parliamentary secretaries to support the definition of marriage and has told all his members that if they do not support the definition of marriage they are not welcome in his cabinet. That is why he is not feeling any pressure.

Therefore, because the member supports the definition of marriage, the Prime Minister says that he is not welcome in cabinet. When it comes to marriage, the Prime Minister wants everyone to do as he says, not what their heart says nor what the people say. That is a travesty.

● (2040)

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, it is a privilege to represent my constituents but it is disappointing that the government has deemed this its number one piece of legislation, that it has called this emergency debate and we will be going on until midnight. We have heard from other members that their lives are on hold because this is the number one piece of legislation by the government.

We have heard from the government about a hidden agenda. We are seeing revealed to Canada right now a government that does have a hidden agenda. It is a hidden agenda that is coming to fruition, which is that the Liberals want to destroy the traditional definition. They want to do a social engineering experiment. They want to legalize marijuana. They want to legalize prostitution. Where is this taking us?

It was not long ago we heard the Prime Minister say that this is the Canada we want. This is not the Canada Canadians want. That is why we are seeing manipulation and every tactic that can be pulled on the Canadian public to ensure this happens with the hope that Canadians will forget.

Canadians will not forget and this party will ensure Canadians are reminded of what has happened in the House and the games that have been played.

I have the honour of being married to the most wonderful woman in Canada for the last 33 years.

**An hon. member:** After my wife.

**Mr. Mark Warawa:** I am sorry but I have the most wonderful woman. We have five children, four boys and a girl. Girls are totally different from boys. It has been a wonderful experience in how they think, what they do and how they relate to one another. What a wonderful privilege it has been for me to experience not only dealing with a wonderful wife, but also with a girl and boys and experiencing how different they are. It makes me fuller as a person. The human species is not complete unless we have the experience of both male and female relationships. I am really honoured by the experience I have had in raising my children.

My five children are grown. The youngest is my daughter who is expecting a baby any day. I am here to protect the traditional values of marriage. I would like to be with my daughter. I am hoping I will be there when she delivers her first baby, but I am here to represent my constituency and I have my daughter's blessing.

I contacted my riding of Langley and asked my constituents how they want me to vote on this. I told them that I personally believed in the traditional definition but that I would represent my constituents. I was overwhelmed with the response. We received thousands of responses from the residents of Langley and 96% of them said that they wanted me to support the traditional definition of marriage. They also wanted me to provide the same benefits to same sex relationships and to ensure that religious freedoms were protected in Canada. That is why I was honoured and gladly supported the Conservative position to do those three things.

Religious freedoms are not being protected in Bill C-38, which is why we brought forward amendments. I also want to bring to the attention of the House that I was on the marriage committee. Every party that was represented on the marriage committee acknowledged that religious freedoms would not be protected the way Bill C-38 is presented to the House. Every party, except for the NDP, provided amendments to Bill C-38 acknowledging that it would not protect Canadians' freedom of religion. Unfortunately, those amendments were ruled out of order, which is why we are here tonight debating and supporting these amendments that will try to make a horrible bill somewhat better to guarantee religious rights in Canada.

I want to go back into some history and the reason we are here today. We have heard time and time again that there has been adequate public input and adequate debate on Bill C-38. The Liberals, the NDP and the separatists got together to get it through. In the 37th Parliament we had a subcommittee of the justice committee that wanted to look into this to see how it would handle same sex relationships.

• (2045)

The committee did travel. It went to a number of different cities. It heard from 467 witnesses. We have heard that the report was cut short. We never received a report, but we have also heard verbally from some of the people who were involved that there was a consensus. The consensus was that the best way to deal with the same sex relationships, guaranteeing them exactly the same rights and benefits, was through a civil union. That was what the committee heard. Unfortunately, there is not a written report so we have to take the word of those who were there and witnessed that to this House.

From that, what we have is a bill from the government, its number one piece of legislation to destroy traditional marriage. The government came up with Bill C-38, the same sex marriage bill. The government created a committee. Normally legislation would come to this House and would go to the justice committee, which is what was expected. But the Prime Minister created a special legislative committee after consultation with certain members of his caucus. The government created a legislative committee. It limited the travel. It limited the amount of input that could be given, and limited the number of witnesses. Why would the Prime Minister come up with this special committee that would limit debate?

It gets worse. This committee that supported the number one piece of legislation for the Liberal government was stacked with members of the Liberal Party. The number one qualification for this committee was the government's bill had to be supported. There was no member of the Liberal Party who opposed the bill on that committee. Those members had to support the government bill. It was the same for the NDP members. The only members who were permitted on that committee who were open-minded, who listened to the witnesses, were from the Conservative Party. We worked hard. There was no travel. One of the parliamentary secretaries would beat on the procedure book saying that certain things could not be done, that they were out of order. He raised points of order, and on and on with interruptions and intimidation. That committee was a fraud, a travesty, a sham. It did not give Canadians any opportunity to speak freely and the number of speakers was limited.

The Conservative justice critic, the member for Provencher, worked hard. The government limited the number of witnesses to 41 and that critic managed to add another 22 witnesses. The member for London—Fanshawe left the Liberals out of disgust. He just could not take it any more. He spoke about an hour ago about the promises made by the Prime Minister and how those promises were broken. Bishop Fred Henry, Mr. Kempling, and a number of witnesses were deliberately withheld from that committee. The justice critic is with us tonight, and I want to give him credit for the hard work that he did. Through his hard work we did get some input, but 43 witnesses were rammed through in a very short period of time.

I kept asking the witnesses where this was going to take us and what the difference is between a civil union and marriage. If same sex relationships can be given exactly the same rights and benefits, what is inferior? I heard that different is not equal. That is right. Men and women are different, but they are equal, so different can be equal. It is not inferior. Civil union can be equal, but it is different. I never heard one of the witnesses who supported the government's bill, in fact any of the witnesses, who were able to tell me what is inferior about a civil union.

• (2050)

Two years ago that was the consensus of the committee and that is still the consensus of Canadians. Two-thirds of Canadians want civil unions with the same rights and benefits, and to protect the traditional definition.

I want to know where this is going to take us over the next five or 10 years. I am very concerned where this is taking Canada.

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, I have had a number of concerns about this bill myself and I hope to get up later this evening and speak to it as well.

I would like to ask the hon. member how he thinks this bill will affect the number of marriages in the country.

My understanding is that in Holland just a few years ago about 134,000 people would get married in a given year. Holland made same sex marriages about three years ago, and as a result of changes that we are about to embark on, both its homosexual and heterosexual marriages have dropped to around 30,000 per year. That is about a 75% reduction in the number of marriages. Therefore, I imagine it will also result in a drastic drop in the birth rate. Holland already has some issues on that front.

I was wondering how the hon. member feels about that. Does he think that this change to the definition of marriage will drastically affect the number of marriages and the birth rate in this country?

**Mr. Mark Warawa:** Mr. Speaker, that issue is one of the salient points of this debate.

I have had constituents say that they will not get married in Canada if Bill C-38 goes through, that they will go to a country that presents the traditional definition of marriage.

If this bill goes through, there are questions as to whether same sex marriages will be recognized in the rest of the world. I do not think so. Canada will be to the far left on social issues, more than any other country in the world. Will these marriages be recognized? I think the traditional definition of opposite sex will be, but I have heard from a number of Canadians who are very concerned about having a traditional marriage here in Canada and are talking seriously about going outside the country. That is a real concern.

One of those was a new Canadian from Romania. She left communist Romania a number of years ago and came to Canada and was very excited to be here. She is saying now it is frightening her because we are heading in a direction where religious freedoms, personal freedoms and freedom of speech are being curtailed and taken away. She is very concerned about the direction in which Canada is heading.

It is our responsibility to provide freedom of speech and freedom of religion. We are not getting that with Bill C-38. We are heading down the wrong path.

**Mr. Jeff Watson (Essex, CPC):** Mr. Speaker, I commend my colleague from Langley. He has become a very passionate advocate for traditional marriage here in the House.

I was glad to hear him talk about his family. I happen to know his wife. I have not met his children yet, but it was good to hear stories about them. It brings together what he has as a marriage, that is, the defining characteristic so central to marriage, that it has a procreative capacity. Heterosexual relationships have that. Homosexual relationships do not. They are different by their nature and therefore, both cannot be a marriage.

My colleague touched on the idea of different but equal: different, recognizing that by their nature they are different, but equal in that civil unions have the same rights as marriage. I would like my colleague to expand a little more on that this is not separate but equal, but different but equal, the Conservative position.

• (2055)

**Mr. Mark Warawa:** Mr. Speaker, there are a number of examples of being different but equal in Canada.

Quebec is a province that has a distinct society clause. It says that it is different, but it is very much equal. Whether they are in Quebec, Ontario or my province of British Columbia, Canadians are equal, but they can be distinct. I gave the example of men and women. They are very distinctly different but very equal. We need to respect all Canadians' freedoms. Even if we are different, we can be equal.

One of the constitutional experts who spoke to us, David Brown, said that in the coming years where this is going to take us is an attack on the freedom of speech and access to facilities. We have heard how the Knights of Columbus were set up and were under attack. Mr. Kempling was under attack. Fred Henry was under attack. We heard from some of the members. I am hearing from some of them right now with a bit of heckling from the corner.

We heard the questions, "Have you ever been forced to consummate a marriage between same sex couples? Have you ever been forced to do that and had a consequence?" The answer that Mr. Brown gave was that Bill C-38 is not law yet. He said that will happen. Faith based schools will be forced to teach a curriculum or

they will lose their provincial funding. The churches will lose their charitable status.

We are going down a road that will change Canada as we know it. We need to oppose Bill C-38. We need to send it back and look at an alternative way of providing the same benefits and rights to Canadians in same sex relationships, and it cannot be marriage.

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, before I start my talk tonight on the same sex issue, I would like to honour Mr. Fred Kent from my riding, who passed away tragically. He was a war veteran, he served our community for 30 years, he was a founding councillor in the great city of Cambridge, and he was a soft-spoken man of action. We are going to miss Fred deeply.

Unlike Fred, who was an honourable man, the government has serious problems with credibility. The Deputy Prime Minister in 1999, and a number of the Liberal members present tonight, made promises. Promises made, promises broken. Those promises were made just prior to an election, and they served their purpose: those members were re-elected. But apparently that opinion is not the opinion today.

We have seen threats against churches for their tax exemption status. We have seen people like Bishop Henry come under attack, we have seen teachers having to defend their rights to free speech, and we have seen marriage commissioners threatened with firing, and some of them have been fired. Secular schools, Christian schools, and private schools will no longer be allowed to teach what they want. The Knights of Columbus, a well-respected Catholic organization, will indeed be sued. Without a doubt, mosques and other religious organizations will also come under attack.

The Liberal government itself admitted in committee and here tonight that it cannot guarantee the protection of religious freedoms. The Prime Minister himself has put forward some weak and wishy-washy assurances. He said religious freedoms are protected in the charter, and they will do even more than that; they will protect them even better than that. So he puts forward some amendments. Who believes that? I do not believe that. Members of his own Liberal Party do not believe that. One of them was so disgusted he left the party, with honour and integrity.

This is no longer Mr. Dithers; this is Mr. Phony. I have a news flash for the 33 Liberals who bought that record. The federal government does not have the authority to implement what the Prime Minister said. Promises made, promises broken. They have been bamboozled. These are provincial jurisdictions.

I have been sitting all day in the House, since 10 o'clock this morning, and it is now 9 o'clock in the evening, and I have heard some very disconcerting conversations around the committee's approach to this issue. Four witnesses at a time were creatively selected so that three supported the government's position and only one did not. It was an interesting intimidation tactic. They had 24 hours' notice. Those who supported the Prime Minister's agenda received financial help. Those who did not support the government's agenda were penalized by having to pay their own way.

**An hon. member:** You are kidding.

**Mr. Gary Goodyear:** No, I am not kidding. The PM assured members of his own party that that would not be the case. But in an effort to retain his own integrity, one member walked.

Another thing that I have heard tonight that strikes me as a bit odd is that the Prime Minister suggests this is a violation of human rights. We know it is not a violation of human rights, but let us assume the Prime Minister's position for a moment. My hon. colleague earlier this evening said that if the Prime Minister is correct in his assumption, how can he support 33 human rights violators in his caucus? That is not democracy; that is hypocrisy.

No internationally recognized human rights document has ever suggested that there is a right to same sex marriage. I have searched everywhere and I cannot find one. I challenge the government to produce such a document. They cannot.

● (2100)

As well, attempts to pursue same sex marriage as an international human right have failed. In 1998, the European court of justice held that stable relationships between two persons of the same sex are not regarded as equivalent to marriage. That does not mean they are not equal, because we have already pointed out the difference between equal and being different. My wife and I are different, and thank goodness, she looks a lot better than I do, but we are equal.

In 1996, the New Zealand court of appeal rejected the recognition of same sex marriage, and this is the important part, despite the fact that New Zealand's bill of rights prohibits discrimination based on sexual orientation. When the New Zealand decision was challenged before the United Nations human rights commission as a violation of the international covenant on civil and political rights, the United Nations ruled that there was no case for discrimination simply on the basis of refusing to marry homosexual couples. In fact, to this date no international human rights body and no national supreme court has ever found that there is a human right to same sex marriage. The only courts that we talk about in the House are provincial or state level in Canada and the United States.

Why have the hours been extended for this national emergency? Surely, the hundreds of thousands of Canadians in poverty may have a different opinion of what is a crisis. The automotive industry in Ontario and the forestry industry in Ontario are in crisis, but we did not extend hours to deal with their problems. Here is the crux. This Liberal government has messed up health care so badly in Canada that a court has ruled that it is now a human rights violation because Canadians cannot get care in time. Are we talking about that tonight? Are we talking about that tomorrow? We asked for an emergency debate on some of these issues and were denied.

I am pleased, to be quite honest, to represent the vast majority of my riding of Cambridge and North Dumfries, but I do want to acknowledge and respect those who wrote to me and preferred that I vote differently. I want them to know that I have listened to everything they have said. I have read their e-mails, I have sincerely and sensitively spent hours contemplating their opinions, and I have concluded that this comes down to being about the word "marriage". The Conservative Party has clearly said that there is no doubt that we need to extend equal rights and benefits to all Canadians. In fact, when I questioned those who were strongly against Bill C-38 and asked how they felt about equal rights for gay marriages and gay relationships, they said there was no problem. That is the Canadian way and that is the way we feel. However, the issue comes down to the word "marriage". We have no problem extending full and equal rights to all Canadians, but forcing such a redirection of society by a political party, the social engineering that is so common in dictatorships, well, that is exactly what I am saying about Mr. Phony. Politics is the art of compromise and we need to compromise.

I would like to close by reading a letter I received from a constituent, not in my riding but from another riding whose member is not listening. She writes:

If I may, I would like to give you my opinion on C38 as well, as part of a gay couple living in Ontario. We firmly believe that you and the conservative party should vote against it and we truly hope that this will be the downfall of the federal liberals for many reasons.

...we do not, nor ever have we believed that the definition of the word marriage should be changed in any capacity. What we simply asked for is the right to have a civil union that is equal to the rights granted by civil marriage. I don't think...gay couples understand that it really doesn't matter what it's called in order to cement [the relationship]. ...that is simply semantics.

● (2105)

**Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Mr. Speaker, the member mentioned a point that a number of his colleagues have mentioned about a number of situations in the courts where people have been attacked for religious freedoms and other such reasons. A number of members mentioned the same particular cases.

I would like to ask the member what his party's suggestions are to deal with this. Bill C-38 has not passed yet, so it is not this bill that is the problem. What are the suggestions of the Conservative Party to correct those elements of those people that have been attacked unfairly, as the Conservatives are suggesting?

**Mr. Gary Goodyear:** Mr. Speaker, I would like to thank the hon. member for his question, but the fact remains that this is not a Pandora's box that we have opened. No one asked for this piece of legislation to be brought forth. This is a Liberal agenda. These problems are coming to light simply because the Prime Minister has this need to bring forward and redirect society's moral agenda.

I cannot say what we would do to encourage the rights of religious freedom, but I can say that in the last decade the Liberals have been in power, every time I have read that there is a challenge to religious freedoms, they were always broken down.

I am very concerned, as the hon. member's own party has admitted several times today, that there can be no guarantees for religious freedom. That is why this bill must be stopped now and given further democratic debate, in order to find out exactly how we can protect those issues.

• (2110)

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, in my previous question I put to the member for Langley whether or not he thought this move would lead to the trivialization of marriage and a decrease in the birth rate. I have had a similar conversation with some members across the way who happen to disagree, I think largely on emotional grounds rather than rational grounds; they just do not agree with that point of view.

I am asking the member, is he aware of any country, any circumstance in the world, whereby this change in the definition of marriage has resulted in an increase in the number of marriages and/or an increase in the birth rate of a country? I am not aware of any such change in the definition of marriage that has resulted in an increase in marriage or an increase in the birth rate. I am wondering if he knows of an example.

**Mr. Gary Goodyear:** Mr. Speaker, the fact is that we are treading on brand new ground here. Canada for some reason feels it must step out and change the direction that nobody has really asked for.

To answer the member's question, I did do a little research on one of the countries and I found there was no change in the birth rate or no effect. There did not seem to be a whole bunch of people lining up to get married. In fact, it did not seem to be that big of a deal for the socio-economic outcome, which brings me back to the issue of why we are not spending our time here debating the health care crisis in Canada, or softwood lumber, or our beef industry.

This clearly needs more study. Clearly, we have not heard enough from the experts. We do not know enough about how it is going to affect Canada. We can surmise, and I surmise we are going down the wrong road. I surmise that we will not be able to defend the next challenge, from polygamists and so on. I personally need a lot more information.

I would encourage those members of the Liberal Party who are supporting this to not do that, to show up, to not be pressured and be told that their vote is a career-altering decision. This is about Canada; it is not about the Liberal Party.

[Translation]

**Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.):** Mr. Speaker, I am pleased to take part in this debate on Bill C-38 at report stage.

This bill is of indisputable importance, given its nature and the interest it has generated since it was introduced in this House. The subject matter of the bill sparked an interest before the government ever presented it. First the government referred the issue to the

Supreme Court of Canada for its advice, which it gave last year. The government used that advice in drafting the bill, which it then introduced in this House.

I want to take this opportunity to state my intention to vote in favour of this bill. Some who have been following this debate will recall that I have always believed in human rights and, accordingly, have always voted for human rights and always will. In fact, the issue had been raised in this House by the hon. member for Hochelaga through a private member's bill. I was one of those in this House who voted in favour of the bill. Some will also recall that votes were held on this subject in 1999. I voted in favour of civil marriage for same sex couples, believing at the time, as I do now, that it was an issue of human rights and equality. I will continue to vote that way because I sincerely believe this is about human rights and equality.

After the court handed down its ruling, the government felt that this bill should reflect a balance between rights and freedom of religion. Bill C-38 does. I am happy to see that, during consideration in committee, various amendments were proposed, one of which was adopted. Again today, there was unanimous consent to adopt another amendment in order to reinforce this issue of freedom of religion. Once this bill becomes law, we must ensure that religious officials are not forced to celebrate marriages for same sex couples. There must not be any consequences if they do not wish to recognize such marriages, if this goes against their beliefs.

We are therefore protecting freedom of religion and equality. As a matter of fact, this is what legislators do. We are, above all, legislators. We are responsible for the contractual, legal and civil aspect of marriage. We are fulfilling our responsibilities in this bill. We are ensuring that, in civil and contractual terms, the legislator is complying with the Canadian Charter of Rights and Freedoms and, as eight or nine courts in Canada have ruled, the need to ensure equality. When this bill becomes law, the right of same sex partners to marry will be recognized throughout Canada.

We are not responsible for the spiritual or religious aspect of marriage; religious and spiritual groups bear that responsibility. By protecting the ability of religions to say yes or no and by exempting them from any negative consequences, we are respecting this freedom of religion. Thanks to this balance, most Canadians agree with what the government is proposing and what the Canadian Parliament will soon pass, we hope. If so, the Marriage Act will be amended to recognize same sex couples.

So this is what it is about. We have still had lengthy debates. In the end, the country as a whole has been involved in the debate for a while now, for more than two years, since the various courts, starting with British Columbia, then Quebec and the other provinces, gave rulings.

At this point, all the arguments had been heard over and over. We are also in a situation where Parliament has extended its sitting in order to deal with this bill. I think it was appropriate to do so.

• (2115)

That reflects the will of a majority of members of this House. Given that all the arguments have been heard and amendments to the bill have been made in committee or at report stage here in the House, strengthening and protecting what people wanted strengthened and protected, I think it is time to move on.

• (2120)

MOTION D'ATTRIBUTION DE TEMPS

**Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.):** Mr Speaker, I wish to state that an agreement has been reached under Standing Order 78(2) with respect to the deliberations at report stage and third reading of C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes. Under the provisions of Standing Order 78(2), I move, seconded by the Minister of Public Works and Government Services, the following motion:

That, in relation to Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, not more than one further hour shall be allotted to the consideration of the report stage of the bill and not more than eight hours shall be allotted to the third reading stage of the said bill and, at the expiry of the time provided for in this order for the consideration of the report stage and at the expiry of the time provided for in this order for the consideration for the third reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purposes of this order, and in turn every question necessary for the disposal of the stage of the bill then under consideration shall be put and disposed of forthwith and successively without further debate or amendment.

[English]

**The Acting Speaker (Mr. Marcel Proulx):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Marcel Proulx):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Marcel Proulx):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Marcel Proulx):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. Marcel Proulx):** Call in the members.

**Mr. Randy White:** Mr. Speaker, now that the dictator has spoken on the other side, I would like some clarification on whether, if this motion is agreed to, third reading will take place tomorrow or this evening. I wonder if that could be clarified because it is important to know whether the group of dictators would like to keep the debate going tonight until midnight or tomorrow.

**The Acting Speaker (Mr. Marcel Proulx):** In answer to the hon. member for Abbotsford, the House is to adjourn at midnight tonight. Therefore, third reading will begin tomorrow morning, if the vote is carried.

• (2210)

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 147)

YEAS

Members

Adams	Alcock
Anderson (Victoria)	André
Angus	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Bélanger
Bell	Bellavance
Bennett	Bevilacqua
Bigras	Blais
Blondin-Andrew	Boire
Boivin	Bonsant
Bouchard	Boudria
Boulianne	Bourgeois
Bradshaw	Brisson
Brown (Oakville)	Brunelle
Bulte	Cardin
Carrier	Carroll
Catterall	Chan
Christopherson	Clavet
Cleary	Coderre
Comartin	Côté
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cuzner	D'Amours
Davies	Demers
Deschamps	DeVillers
Dhalla	Dion
Dosanjh	Drouin
Dryden	Duceppe
Easter	Emerson
Eyking	Faillon
Folco	Fontana
Frulla	Gagnon (Québec)
Gagnon (Saint-Maurice—Champlain)	Gagnon (Jonquière—Alma)
Gaudet	Gauthier
Godbout	Godfrey
Godin	Goodale
Graham	Guarnieri
Guay	Guimond
Holland	Ianno
Jennings	Julian
Kadis	Karetak-Lindell
Khan	Laframboise
Lalonde	Lapierre (Outremont)
Lapierre (Lévis—Bellechasse)	Lastewka
Lavallée	Layton
LeBlanc	Lee
Lemay	Lessard
Lévesque	Loubier
Macklin	Maloney
Marceau	Marleau
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Masse
McCallum	McDonough
McGuinty	McGuire
McLellan	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Minna
Mitchell	Murphy
Myers	Owen
Paradis	Perron
Peterson	Pettigrew
Picard (Drummond)	Pickard (Chatham-Kent—Essex)
Plamondon	Poirier-Rivard
Powers	Proulx

Ratansi	Redman
Regan	Robillard
Rota	Roy
Russell	Saada
Sauvageau	Savage
Savoy	Scott
Sgro	Siksay
Silva	Simard (Beauport—Limoilou)
Simard (Saint Boniface)	Smith (Pontiac)
St. Amand	St. Denis
Stoffer	Stronach
Telegdi	Temelkovski
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	Basques
Thibault (West Nova)	
Torsney	Valeri
Valley	Vincent
Volpe	Wasylycia-Leis
Wilfert	Wrzesnewskyj
Zed— 163	

Paquette Patry— 4

**The Speaker:** I declare the motion carried.

• (2215)

[*English*]

The House resumed consideration of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes, as reported (with amendments) from the committee, and of the motions in Group No. 1.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Mr. Speaker, I will be taking a different tack tonight. I will look at the process that has led us to be facing Bill C-38 at report stage and closure.

I must say, in respect of the bill itself, that marriage essentially is the union of two people, a man and a woman, who consummate the relationship with sexual relations with the potential to procreate. Marriage has well been said to be something more than a contract, either religious or civil, to be an institution, and it should remain that way. For the Liberal Party, it is more about politics, power and arrogance than it is about the essence of Bill C-38.

The government was prepared to make deals to keep its own members on side by promising broad committee hearings and not introducing the bill past report stage and third reading until fall. Then, when the Liberals were able to make a bigger deal, they decided to proceed to ram the bill through both stages. There will be a price for such an action and the Prime Minister and his enforcers shall pay the ultimate price at the ballot box.

Surely, the public at large will not let them get away with this. For those in the Liberal Party who oppose Bill C-38, the marriage bill, but voted with the government in a sneak manoeuvre to pass Bill C-48, the NDP budget bill, without notice, can certainly talk the talk, but they fall far short of walking the walk.

Let me speak briefly about procedures being used in this House that preclude the giving of notice. I could hardly believe that in a democracy, in a free and democratic country like Canada, the governing party would resort to procedures that would achieve their end by means of subterfuge and subtleness.

Surely, on an important issue like the NDP budget and Bill C-38, the government should at the very least provide notice of its intention and face the issue fair and square, so that the representatives of the people of Canada can make their views known.

Instead, what did the Liberals do? According to a Canadian Press report of June 25, by 8:30 p.m. Thursday last week, the Liberals were hiding out in the government lobby with one MP stating that the Liberals were going to bushwhack the Conservatives. I am sorry for the confused logic. It is really an affront and it is a bushwhacking of democracy.

I left the House at around 9:00 p.m. to have supper with my wife. Before I was finished supper, and without notice, Bill C-48 was up for a vote. Something as important as a budget vote was being snuck through the House. In all of my life, I have never heard or seen anything like it. The Liberals could not hijack democracy without the complicity of the NDP and the Bloc.

## NAYS

### Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Boshcoff
Breitkreuz	Brown (Leeds—Grenville)
Carrie	Casey
Casson	Chatters
Chong	Cummins
Day	Devolin
Doyle	Duncan
Epp	Finley
Fletcher	Forseth
Gallant	Goldring
Goodyear	Grewal (Newton—North Delta)
Grewal (Fleetwood—Port Kells)	Guergis
Hanger	Harper
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Hubbard	Jaffer
Jean	Johnston
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kramp (Prince Edward—Hastings)	Lauzon
Longfield	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Malhi	Mark
McKay (Scarborough—Guildwood)	McTeague
Menzies	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	O'Brien
Nicholson	Obhrai
O'Connor	Pallister
Oda	Prentice
Poilievre	Rajotte
Preston	Reynolds
Reid	Ritz
Richardson	Scheer
Scarpaleggia	Schmidt (Kelowna—Lake Country)
Schellenberger	Smith (Kildonan—St. Paul)
Skelton	Sorenson
Solberg	Szabo
Strahl	Thompson (Wild Rose)
Thompson (New Brunswick Southwest)	Toews
Tilson	Trost
Tonks	Ur
Tweed	Vellacott
Van Loan	Warawa
Wappel	White
Watson	Yelich— 106
Williams	

## PAIRED

### Members

Bergeron	Cullen (Etobicoke North)
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It is understandable that the NDP would engage in a procedure such as this as the leader himself asked if putting aside corruption, would the Minister of Finance change the budget? The NDP were prepared to make a deal regardless of the tactics or the manners of the government.

However, the Bloc, who opposed the NDP budget, Bill C-48, had nothing to gain or lose by the vote being taken on Thursday or on Monday, when we had a full contingent of our members in the House. To agree to Bill C-48 being placed before the House without notice was either intentional mischief or done for consideration of some kind. I can see no other rational conclusion. In either case, such actions are odious and any trust on my part from here on in will have to be earned.

All these steps were taken to force Bill C-38 to remain on its own, undressed, in full view of closure motions, limits on debate, and the concurrence of three parties to shove it through. Then on a foundation that it accepts important and significant matters, the government disposes it without notice given to the representatives of the people of Canada. That is wrong.

Any debate in this circumstance, in this context, is a farce and simply a matter of the government trying to appear magnanimous when it knows full well, it is about to drop the hammer to close matters off, as we just witnessed in this House tonight. I find this offensive. The fix, as they say, is in.

Indeed, this type of conduct may be what is necessary to awaken a sleeping giant. Those who agree with Bill C-38 and whose views will be made known in the ballot box in the next election will find out who is the ultimate judge in this particular case.

The Saskatoon *Star Phoenix*, on June 25, stated with reference to the government's conduct that "Thursday was the third time such a stunt was used in Canada's history", and a stunt it was. I doubt it was ever used in such an important and significant a situation as a budget bill and a bill that redefines the definition of marriage. Obviously, it has never been done in this context. This is an all-time first and an all-time low in terms of its use in the history of this great country we call Canada.

● (2220)

Let us have a look at what brought us here today. Last week on Thursday morning, under Standing Order 57, a minister of the Crown served notice that debate with respect to extending the sitting of this House should not be further adjourned, with the provision that no member shall be allowed to rise to speak after 8:00 p.m., when a vote was held with respect to this motion. To put it simply, it was a closure notice with a time limit on speeches on an important issue such as we face here today. That was wrong and the government will pay the price for that.

Let us have a look at the motion itself, and I spoke to it the other day. The motion was prefaced by saying "notwithstanding any Standing Order or usual practice". In other words, it was overriding anything that could stand in the way of the motion by way of Standing Order or usual practices. We put those aside. What does the motion go on to say? Essentially, that the sitting would continue until a minister of the Crown proposed, without notice, a motion to adjourn.

In other words, a minister could unilaterally have this House adjourn at any time without notice. It has come to this. What if anything or is there anything the government might not do to achieve its end? This seemed to me to be a heavy-handed approach and something one would not expect in this country.

This stunt, as referred to in the *Star Phoenix*, took place when the NDP, the Liberals, and the Bloc agreed that the Minister could propose to pass Bill C-48 without notice, without debate or amendment.

The government dispensed with the Standing Orders and usual practices to its advantage in circumstances that the Standing Orders were never intended to be used. It is in these circumstances, with this play of characters in office, that Bill C-38 finds itself.

What hope is there for those who oppose its passage? The hope is in the ballot box where they will have an opportunity to remove these characters from office.

The government tried to tie Bill C-48 to this bill in case it needed to apply to the Speaker for extension of the sittings, but then decoupled it when they and the sneaky, no-notice NDP budget Bill C-48 was voted in, in the middle of the night last Thursday.

Father Raymond J. de Souza said, "When holding unto office becomes the beginning and end of all activity, there are no more politics, just the machinations of power". He went on to say that the corruption of our politics is now complete.

He refers to an article in the *Toronto Sun* that states, "—the time has come to cool the fury in Parliament, to ease the pressure on the Prime Minister to resort to seedy vote buying". He says that Canada's largest circulation newspaper and ardent supporter of the Liberal Party concludes that the Prime Minister is engaged in seedy behaviour but excuses it on the grounds that otherwise he would be defeated by the opposition. It is all about power and if a little seedy vote buying is necessary, so be it.

He says what is cynicism in politics? It is the belief that politics is not about the common good, nor what one sincerely believes is right for the country, but only what is personally advantageous to the office holder. It is a Prime Minister's Chief of Staff discussing how one could go about trading offices for votes without officially trading offices for votes.

The mockery of the process of Bill C-38 in committee has caused the Liberal member for London—Fanshawe, to his credit, to leave the party and sit as an independent. Why? Because he knew what the Prime Minister promised, he would not deliver.

He observed what we did, the tricky procedural moves in committee such as removing Liberal MPs in exchange for others who would vote in correct ways, having members leave a meeting to cause it to adjourn for lack of quorum, calling witnesses in batches of four on very short notice, limiting witnesses to be called, and heavily stacking the Liberal committee members and the witnesses in favour of same sex marriage. Is this evidence of the Prime Minister's solemn word for full, fair and meaningful public hearings? Of course not.

The committee was asked to work to an unnecessary and premature deadline to report to the House. The member went on to state that witnesses were being given inadequate notice to appear at committee hearing and some have been rudely treated when they have attended. He said that the process as it was unfolding was unfair and perfunctory at best, and that it was not what he agreed to as a proper democratic consultation on such a major piece of legislation as the proposed definition of marriage. He added that in his view, the government had no democratic mandate from the people of Canada to redefine marriage.

I wish to conclude with Chantal Hébert's comments in the *Toronto Star* which could well be prophetic. She said:

Given the lengths to which [the Prime Minister] and his team have gone just to prolong the life of their minority government for a few more months, one has to wonder how many more ethical niceties they would dispense with—

Having heard [the Prime Minister's] chief-of-staff Tim Murphy nod and wink and dress up the Liberal window with future government considerations, can anyone doubt that this is an administration that is just as likely to live and die by the rule that the end justifies the means?

The democratic deficit [the Prime Minister] so likes to wax lyrical about has been compounded into an ethical one. And past sins of omission and/or commission have been overshadowed by current, in-your-face transgressions...It is a malaise that permeates the upper reaches of the government.

So much for the loyalty of the country. Anything the Prime Minister said suggesting that he encouraged a full debate on Bill C-38 in these sittings was, simply put, hogwash. The price the Prime Minister will pay will be paid at the ballot box. He cannot get away with such treachery as we witnessed in the House for this long. The voters will see to it. Marriage should be defined as the union of one man and one woman to the exclusion of all others with no exceptions, no amendments, period.

• (2225)

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I listened with great interest to the hon. member's comments on this particular topic, which is extremely sensitive. It has evoked a lot of emotion from a lot of people in many quarters. All of us understand the sensitivity of this issue because all of us in our ridings have seen how divisive it has been in so many quarters. It is important for any government to respond in a responsible fashion.

I have a couple of questions for the hon. member. As members know full well, it costs about \$20,000 an hour to keep this House open. In the course of the debate, every single hour that we are here, those hours are costing the taxpayers money. If we keep on debating and debating, we have to ask ourselves, are we actually going to change anything? Would a continuation of this debate change anybody's mind and anybody's opinion?

The reality is that all members who have dealt with this issue have made up their minds whether they are for or against. Further debate is not going to change anything. There are no more amendments. There is nothing that can be put forward that is going to change anything.

The hon. member said that marriage is a union between a man and a woman to the exclusion of all others, with the potential to procreate. Does that mean that women over the age of 50 who get married do not have a marriage?

**Mr. Ed Komarnicki:** Mr. Speaker, it is quite interesting that this member would be concerned about how much it costs to operate this House. This bill needs to be opposed and the costs should be put in the background.

Where was this member when this House was being filibustered by his own party for days on end, when they took away supply days because they were not prepared to face a confidence motion? The Liberals went for a week or more trying to skirt that issue, filibustering on their own committee reports.

What was that costing per hour, and what was the purpose of that, except to cling to power at all costs? What about spending \$4.6 billion? We will wait to see what the cost will be for the little side deal that was made to invoke closure over the last little while. There may be some consideration coming out sooner. They blow billions of dollars and they are afraid to keep this House open a little longer so they can hear responsible arguments on Bill C-38.

As far as the committee is concerned, what happened to the Prime Minister's promise to keep the committee going? We would not have to be sitting here if the Prime Minister had kept his promise to have broad consultations in committee, allow the committee to have more hearings, and allow positive injections. The reason we are still sitting is because of the member opposite who voted for this House to be extended without notice.

What happened when the Liberals took away our supply day motions, and when they lost the confidence of this House indirectly? They had a constitutional obligation to bring the issue of confidence before this House, but they used a week because it was not convenient for the Prime Minister. He flew around the country and gave out goodies, spent money, and used the machinery of power and government jets when he had no authority and no constitutional basis to do that. He did that simply to cling to power illegitimately and to legitimize government, and that was wrong.

As far as marriage is concerned, if the hon. member would listen very closely, it is the potential to procreate, and one lady and one man have the potential to procreate naturally, biologically, and not otherwise. That is the phrase "potential to procreate". I would say that there is more to this issue than a few dollars and the machinations of clinging to power at all costs.

We should not be here at all. This bill should be in committee. This bill should not be here. We are in a democracy and ought to be experiencing it, but senior parliamentarians fail to see that and they ought to know better, but they do not.

• (2230)

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, our colleague from the Conservative Party was pretty concerned about Bill C-48 last week. It was a good bill because it gave \$1.5 billion to students to cut their debt and \$1.5 billion for affordable housing. I want to ask the hon. member, why did he go for dinner with his wife at 9:30 p.m. instead of being on duty until 12:00 midnight and doing his duty by voting against the bill if he did not like it?

**Mr. Ed Komarnicki:** Mr. Speaker, I am not even sure the last question deserves an answer. However, it annoys me that bills as important as Bill C-48 and Bill C-38 would come to the House without notice and be voted on while I was having dinner. I came back to the House. I have been in the House more often than that member.

The government ought to be responsible and take its duty seriously. Bill C-48 has no plan, it has nothing. How many housing units were built by the government in 11 years? There were very little for the money spent. The Liberals spent \$1 billion with not a house being built.

There are more people living in poverty today than 11 years ago. There are more people homeless on the street while the government has been in office. That is something to be noted.

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I am here to speak the report stage of Bill C-38, the same sex marriage bill. In the 10 minutes I have allocated, and that is another issue which I will speak about, I will talk about why we are here today, the same sex marriage bill. I also will talk about how this could have been avoided and where we can go from here.

With the government invoking time allocation at report stage and third reading, we will be voting on the legislation tomorrow night and there is nothing we can do about it now except to be here to vote and we will. Bill C-38 will probably pass tomorrow night, but that will not be the end of it.

Why are we debating Bill C-38 today? That is an important question. Just a few years ago the current Deputy Prime Minister was in the House defending marriage as the union of one man and one woman. She said that nothing would ever happen to change that and anybody who would suggest that would be speaking absurdity and all kinds of things like that.

The Deputy Prime Minister rose on the opposition motion brought forward by our party back in 1999 and speaking on behalf of the government in a carefully crafted speech she said:

The definition of marriage is already clear in law in Canada as the union of two persons of the opposite sex. Counsel from my department have successfully defended, and will continue to defend this concept of marriage...I continue to believe that it is not necessary to change well-understood concepts of spouse and marriage to deal with any fairness considerations the courts and tribunals...

She went on later to say:

The institution of marriage is of great importance to large numbers of Canadians, and the definition of marriage as found in the hon. member's motion is clear in law.

This was one of her closing statements, "I fundamentally do not believe that it is necessary to change the definition of marriage" as the union of one man and one woman to the exclusion of all others.

Why are we debating Bill C-38 today? That is an important question and a question I have a great deal of difficulty understanding.

We know that about two-thirds of Canadians do not support this legislation. I did a survey of my constituents and received thousands of returns. About 98% of those who responded to my questionnaire, which was dropped at every household in the constituency, supported marriage as the union of one man and one woman to the exclusion of all others. Many of my colleagues have done similar

types of surveys and they have found the same results. Polling nationally showed that two-thirds of Canadians do not support the legislation. In my constituency it is much higher.

Why are we debating Bill C-38 today? It seems to me that the government is so obsessed with the issue of same sex marriage that it will not let it go. In the 12 years I have been here I do not remember closure being used in the House the way the Liberals used it on Bill C-48, the NDP budget bill. If Bill C-48 had been defeated, the government would have been defeated and Bill C-38, the civil marriage bill, would not be here today and we would not be dealing with it.

It is not only the government that is obsessed with same sex marriage, but the NDP is also obsessed with this issue. This is the first time the NDP has voted with the government in favour of closure and now today on time allocation.

● (2235)

The Bloc is obsessed with the issue of same sex marriage as well. The Bloc members, who are generally democrats and would not support time allocation or closure, are so obsessed that in the last two days they have formed this unholy alliance with the government; the separatists, the government and the socialists. They have signed an agreement and together they are doing everything they can, including bypassing the normal rules of the House of Commons, to push the bill through.

This is an unholy alliance and this is why we are here today debating Bill C-38. Those three parties are obsessed with the same sex marriage issue. Because of that, they made this deal in bed together, the government with the Bloc and the socialists.

How could this have been avoided? First, the Deputy Prime Minister, the Prime Minister and many members of the Liberal caucus could show that they believe what they say. Many of them, including the Prime Minister and the Deputy Prime Minister, said a few short years ago that they did not support same sex marriage and that they believed that marriage should be retained as the union of one man and one woman to the exclusion of all others. Therefore, there should be no reason for this bill to be debated today.

More recent, a free vote, which means all cabinet and all parliamentary secretaries in the governing party, would have killed the legislation at second reading. That is how this could have been avoided.

I want to talk a little about that. The government put out a document last week on parliamentary reform. I looked through that little booklet and I was shocked at what I saw. The document is from the Leader of the Government in the House of Commons. It is entitled, "First Annual Report on Democratic Reform". What a joke. The things the government has pointed to as being changes it has made to make this place more democratic are exactly the opposite to what in reality has happened. However, there are some things of interest in there.

For example, it talks about how often the government has used the one line whip, the two line whip and the three line whip. I want to explain that. A one line whip is when the government says that it is a completely free vote. A two line whip is when the backbenchers can vote freely on the issue but cabinet and parliamentary secretaries must toe the government line. A three line vote is when all members of the Liberal Party are expected to toe the government line.

The government's own numbers in the document say that there were zero one line votes. That means no free votes whatsoever in the time that was documented in this report. Eighty-two of the votes were two line votes, including the marriage bill vote. That means that half of the Liberal caucus members are not free to represent their constituents on the important issue of marriage, cabinet ministers and parliamentary secretaries. A three line whip was used 18% of the time. There was not one single free vote on government legislation.

I want to go to my third point. Where do we go from here? I want to say without a doubt, even if this bill passes tomorrow, which it probably will, that is not the end of the issue. The Conservative Party and the Leader of the Conservative Party are committed to bringing this back to the House when we form the government and we will have a truly free vote on this issue.

• (2240)

We know, as I have said before, that about two-thirds of Canadians support the option where marriage is retained as the union of one man and one woman to the exclusion of all others. Legal civil unions in Canada give all the rights that married couples have to those who want to be involved in a civil union. That is what we will put before the House. We will put options before the House and there will be a free vote.

Under a Conservative government I fully believe same sex marriage will be struck down and we will move on to become a country where we have marriage enshrined as the union of one man and one woman to the exclusion of all others.

**Hon. David Anderson (Victoria, Lib.):** Mr. Speaker, the hon. member who has just taken his seat frequently asked why we are here. He went on to refer to the comments of the Deputy Prime Minister six years ago. What he failed to point out was a series of court decisions that dealt with the issue of marriage in seven provinces and one territory, all of which, based on the charter, said that it was discriminatory to deny the institution of marriage to same sex couples.

First, is the member aware of that cause for the change? Second, is he aware of the fact that at the present time, thanks to these court decisions, the vast majority of Canadians already live in jurisdictions where same sex marriages are legal. Is he aware of those two facts, and if so, why did he not tell the House when he was asking why we are here?

The government is attempting to have a uniform policy across the country so there is no difference between the provinces. I am sure he is well aware of that but if he is not, perhaps he would like to inform the House.

**Mr. Leon Benoit:** Mr. Speaker, I appreciate those questions from the member. I will answer the second one first, which was whether I was aware of the decisions the courts have made. Of course I was

aware but I would like to know the member's thoughts on whether the courts should be making law in this country. I do not believe it should be up to the courts to make the law.

I ask the member if he is aware that the Supreme Court said very clearly that it was up to Parliament to decide this issue, not the courts. What the Conservative Party will certainly do on this issue is protect the rights of all those who are married. They will be allowed to remain, if they choose, in a civil union and their rights will be protected but they will not be married under the law. That will be uniform across the country.

I am sorry but I have actually forgotten the member's first question, so I will have to wait for the next one.

• (2245)

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, we have a crisis in Canada which the courts have ruled is a human rights violation, and that is the complete failure of the Liberal Party to fix the health care system. I would like the member's comments as to why we are debating this issue that can wait, while Canadians are dying in waiting lines.

**Mr. Leon Benoit:** Mr. Speaker, the member is asking a question that is impossible for me to answer or understand in fact.

We have an issue as critical as protecting the health care of Canadians. The Supreme Court has ruled that the Liberals have made such a mess of it that to protect the rights of Canadians under the Constitution they must have access to private health care. With that decision made, do they deal with that issue? No, they do not. Instead they deal with this issue of same sex marriage which is not supported by a full two-thirds of the Canadian population. In my constituency, 98% do not support it. Yet they are not dealing with an issue that is far more important and actually is an issue that has to be and should be dealt with. Instead, they choose to deal with this issue of putting in place same sex marriage.

I cannot understand it and I cannot answer the member's question because, quite frankly, it shows that the government has its priorities all messed up.

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I have listened with great interest to the comments coming from the other side. I understand and I think all of us understand that this is a very sensitive issue. Emotions are inflamed on this for many reasons.

I want to share with the House a little story. As I was walking up to the House a little while ago there were a couple of people who were very big supporters of the Conservative Party and their big issue was the issue of marriage. They wanted to support the status quo or the historical status quo.

When I asked those people what would happen if Bill C-38 did not pass in the House, they said that same sex marriages would no longer be legal and that only marriages between a man and a woman would be allowed in Canada. I told them that they were wrong because marriage between same sex couples was already legal in eight provinces and one territory. That is the reality.

For those who oppose this, only one rational debate can occur, and that is on whether to use the notwithstanding clause under the charter. Under the law that is the only rational debate for those who choose to oppose this. Anything else is just hot air.

They may wish for life to be different. They may wish to remove this bill from the parliamentary calendar, they may wish that it had never existed, as was mentioned from the other side, and they may wish that marriage between same sex couples was illegal but that is not the case.

The other side may wish to simply say that with the stroke of a pen, without getting into the notwithstanding clause, that they may choose to simply bring a bill to this House to say that we want to reverse history. Would that make any difference? No, it would not. Whether or not the other side wishes something does not make it a reality.

At the end of the day, all of us have to live within the context of the law and the Constitution. The law and the Constitution state very clearly that if a party wants to change through legislation dictums that have come through from the lower courts, they have to use the notwithstanding clause.

The Conservatives are being utterly disingenuous in not offering that option. Unless they offer that option, they may as well sign on to this bill and go home to their families, go home to their constituents and say the bill has passed. However they will not do that and that is utterly disingenuous.

I want to get to some other issues that were raised today. I want to talk about the fact that in eight provinces and one territory this is the law. Indeed, in many other countries this is the law. Some of the people who are opposed to this think that the sky will fall, that somehow incest will be legalized, that some people will marry their brothers or their sisters, or that some other concoction will be legal.

The reality is that is not the case. In those countries in Europe that have adopted it or those provinces and that territory in our country that have adopted it, one would be hard-pressed for those who oppose this particular bill to point those out and say that the sky has fallen in those provinces and that territory. The reality is that is not the case.

I think what will happen is that 10 years down the road we will all look at this and say how silly we were to have evoked such venom against this particular bill. At the end of the day, the bill does not change my heterosexuality. It does not change anybody else's marriage. It does not change anything. It simply includes and extends a little bit the boundaries of civil marriage to those who love each other and who choose to enter into marriage.

What we need today is a lot more love and a little less hatred. I think we would all be a little bit better off at the end of the day. At the end of the day the bill will not hurt anyone who has a religious marriage. The bill also will not hurt or damage the rights of churches, synagogues or temples to marry or not marry whomever they choose. It will not infringe upon those rights.

• (2250)

The bill is about civil marriage, not religious marriage. The courts have been very clear that those, for example, who wanted to have a

situation where people could have a civil union, that was struck down by the courts. Again, they may wish to have something else but that is not the case.

What I find profoundly disappointing is that we have tried very hard as a government to deal with a myriad of issues, from children to homelessness to students to education to major foreign policy challenges, and rather than the opposition finding the best within themselves and the best ideas that they have and offer those ideas to Canadians as something to put forward, they have churlishly decided to sink themselves into this debate in a highly venomous fashion without opposing it in a way that is rational and legal.

Instead of those members trying to oppose something that is essentially a *faite accompli*, I challenge those members to offer up better solutions than we have and we will offer up better ones than them because at the end of the day this is about the Canadian public. This is about those people who do not have homes, who cannot get health care, and it is about making companies more competitive.

We have a myriad of challenges. The G-8 summit is coming up. We have offered, as a government, a number of solutions, from forgiving the debt of highly indebted nations to providing more aid, in particular, for Africa and doubling it to 2009. We should deal with the issue of the undervalued Chinese yuan which has huge economic implications for the world and, in particular, for our country as a trading nation.

Those are the issues that matter to Canadians because it matters whether they have a job, it matters whether our exporting companies are competitive, it matters to the future of all Canadians, it matters to our tax base and it matters to our social programs. Those issues are important because it hits Canadians at a visceral level, at their dinner table, and those are issues that mean something to them.

We have offered up solutions for students and for our economy. We have balanced the budget for the eighth time eight years in a row. Do we hear any solutions from the other side? No, we do not. Have we heard a budget from the other side? No, we have not. Have we heard a rational set of solutions for the G-8 summit? No, we have not. We have not heard one solution for a major summit that is taking place, that has profound implications, not only for our country but for the international community and the world in which we live.

Do we hear solutions from them on how to mould the L-20? Do we hear solutions on how deadly conflict can be avoided that has claimed the lives of millions? Do we have any solutions on how the global fund for TB, AIDS and malaria can be improved? Do we hear any solutions on how our research and development can be improved, not only to address health care issues in Canada but also to address those internationally?

Do we hear any solutions to a major health care problem, the issue of mental illness in our country, or that depression will be the second leading cause of morbidity in our country in the future? Do we hear any innovative solutions to what we need to do for our aging population, to how we can incorporate our ever-increasing aging population, albeit healthier, into our workforce, to lower pressure on our social programs and our pension systems? Do we hear any innovative solutions to those things? No, we do not.

Do we hear any innovative workable solutions on defence? Do we hear any solutions on how we can increase our soldier? Do we hear any solutions on how we can improve the way in which our defence forces work?

We are trying. The Minister of Defence has put forth umpteen solutions to accomplish those objectives.

● (2255)

**Mr. Ken Epp:** Mr. Speaker, I rise on a point of order. Since the Liberal side has invoked time allocation or closure on this debate, I think it is important for us to at least remain on the topic that we are debating, namely the issue of marriage. That individual has drifted far from that topic and I urge you to bring him back onto the topic.

**The Speaker:** I am sure the hon. member is getting back to the topic, but I must say that in the debate tonight we have heard a lot about other bills and the application of time allocation on them. While I am sure the hon. parliamentary secretary has his mind on Bill C-38, he has wandered off briefly to describe something else and I know he will be back to the topic before the end of his remarks in one minute's time.

**Hon. Keith Martin:** Thank you for your generosity, Mr. Speaker. I only have a minute left so I will encapsulate. At the end of the day, as a loving, compassionate, kind society where tolerance is the signature of Canadians, I think that on this bill, as difficult as it is for some people to embrace, perhaps they ought to embrace it as a way to spread the notion of love, commitment and caring and the expression of love, understanding and tolerance.

I think that at the end of the day the members who oppose this will find 10 years down the line that this has not been a threat to their families or their relationships. They will find that this has not been a threat to their children. They will find that in fact the bill will actually have improved our society and strengthened it in ways that they probably cannot begin to imagine.

I hope that at the end of the day they will look forward to a loving, more caring and tolerant society, one that I am sure we would all support. I think we would agree that it is the signature of our beautiful country, one that we all should be doing more to accomplish.

**Mr. Randy White (Abbotsford, CPC):** Mr. Speaker, most people on this side in particular understand clearly that this is a political issue and not a charter or constitutional issue.

I would like to ask the member opposite what organization he thinks has the prime jurisdiction over legislation in this country. Is it the House of Commons or the lower or the supreme courts? If it is the House of Commons, I wonder if he would comment on the reasonableness of the Liberals in particular or the NDP basically telling their members how to vote, particularly Liberal cabinet members and so on.

If this is truly a democratic issue, is it reasonable, then, on such an important issue to tell members how to vote rather than have those members speaking up for their own organizations and constituents?

First, in the member's mind, who has that jurisdiction? Is it the courts or Parliament? If it is Parliament, should not everyone on an issue such as this have the right to a free vote? Could he address that fact?

**Hon. Keith Martin:** Mr. Speaker, there are actually two issues that the hon. member mentioned. One is the issue of which group in our society actually makes the laws. Of course it is Parliament, the institution we are sitting in today.

However, courts do make decisions. As the member knows full well, there is a way for Parliament to actually overturn them, that is, with the use of the notwithstanding clause.

For those who oppose this bill, which basically means the Conservative Party members in this House, it is their right to do so, but if they truly want to oppose this, if they mean it, they have to stand up in the House today and say that they are going to use the notwithstanding clause if they are in government.

That, by law, is the only way in which this issue can be changed in the manner they want, but have we heard them offer this up as a solution? No, we have not. If this is a political issue on the part of the members of the Conservative Party, if they truly want to do this, I challenge them to say that they are going to use the notwithstanding clause. That is the law.

On the issue of the three line whip structure, when the current Prime Minister came into power, part of the democratization of the House he wanted was to change the way in which voting took place. For the first time in the history of the House, a three line whip structure, such as that which Prime Minister Blair has started in the United Kingdom, was adopted in this House, at least on this side. That is a far cry from what existed in previous decades, where such a three line whip structure did not occur. My colleagues from this side of the House and behind do indeed have a true free vote, because this is a two line whip structure and they can vote for or against the bill. In fact, we have seen this exercised at second reading.

The members from the other side know full well that members of the government have voted for and against the bill by virtue of their conscience and by virtue of what their constituents wanted them to do.

Again, I challenge the member from the other side. If the members of the Conservative Party want to oppose the bill, then let them stand and say that they are going to use the notwithstanding clause. If not, they should vote for it and go home.

● (2300)

**The Speaker:** A brief question from the hon. member for Calgary Northeast.

**Mr. Art Hanger (Calgary Northeast, CPC):** Mr. Speaker, most of us on this side know this member quite well. He spent about 10 years as a Conservative.

**An hon. member:** Then he saw the light.

**Mr. Art Hanger:** He saw some light, but I do not know what the light was. I am still trying to figure out what it was. He seems to be much more comfortable over on that side. He seems to be able to live with the inconsistencies that only a Liberal can have. I am going to give an example of one and then I would like a comment from the member.

These words are from a statement made by the Deputy Prime Minister back in 1999:

I am aware, as are other members, that the recent court decisions and the resulting media coverage have raised concerns around the issue of same sex partners. It appears that the hon. member believes the motion is both necessary and effective as a means to keep the Government of Canada from suddenly legislating the legalization of same sex marriages. That kind of misunderstanding of the intention of the government should be corrected.

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—

**The Speaker:** I think the hon. member for Calgary Northeast has posed his question. We are running out of time. We will have a very brief response from the parliamentary secretary.

**Hon. Keith Martin:** Mr. Speaker, I want to correct the member very clearly. The Government of Canada did not legalize same sex marriage in Canada. It is already legal in eight provinces and one territory, and if this bill does not pass, the next day it will still be legal in eight provinces and one territory. Those members must wake up: this is the reality.

If the members on the other side want to oppose this, they have to stand up and use the notwithstanding clause. Unless they are willing to do that, then they have to say the Government of Canada is doing the right thing by ensuring that we have some sense of homogeneity in this country and that marriage for same sex couples will be legal and—

**The Speaker:** Resuming debate, the hon. member for Winnipeg Centre.

• (2305)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, thank you for recognizing me in these final moments of this stage of the debate on Bill C-38. I was watching the debate from the comfort of my office and noticed by the tone and the content of some of the comments being made by the members opposite that they might benefit from one simple point of view. I rushed over here to share that with them.

The message to them is simply this. If they do not support same sex marriage, they should not marry somebody of the same sex. They should marry somebody of the opposite sex. Then everyone would be happy and they would have less to be so cantankerous about. That is my simple advice. If they do not support same sex marriage, they should not marry somebody of the same sex. It really is quite simple.

There is another point that I wanted to share. It just came over the wire recently while I was in my office. It is a press release from the United Church of Canada. It was released today. The heading states, “United Church of Canada urges Parliament to vote in favour of same-sex marriage”. It reads:

In a statement released today, The United Church has called on the Canadian government to move in a timely way to end the debate on Bill C-38 and to vote in favour of same-sex marriage legislation.

“Marriage will be enhanced, not diminished, religious freedom will be protected, not threatened, and Canadian society will be strengthened, not weakened, as a result of this legislation”...

That was said by the chair of the justice, global and ecumenical relations unit of the United Church of Canada.

I ask my colleagues, whose points have been raised in at least a quasi-religious context, to please take note of this message from the United Church of Canada today.

The church goes on to say that:

further rancorous debate over this issue will only serve to polarize positions rather than contribute to building a strong civil society based on the values of inclusion, diversity, mutual respect and fairness.

These are strong sentiments coming from the leaders of the United Church of Canada, who have been watching, I can imagine, with the same sort of dismay that we all share when we see some of the points made today.

I think there is benefit in reading for members this viewpoint from the United Church. The chair of the justice, global and ecumenical relations unit said:

“Religious marriage is not and cannot be affected by this proposed legislation”... He says all religious communities in Canada, whatever their views on same-sex marriage, have the absolute right to determine for themselves who will be eligible for religious marriage within their communities.

Perhaps that gives some comfort to my colleagues, who are clearly upset about the advent of Bill C-38. The United Church also believes that:

the protection for conscientious objection to performing same-sex marriages, which is provided by the Charter and affirmed in the proposed legislation, does not conflict with the right of same sex-couples to marry.

“The enactment of the proposed legislation means that same-sex couples will be able to obtain civil marriage,” explains [the chair of the committee]. He adds that while same-sex couples may not be able to obtain religious marriage, depending on the views of a particular faith community, that is also the case for many other couples such as interfaith couples.

In the case of my own parents, the Catholic church would not marry my parents in the Catholic church because my father was about to marry a heathen Protestant, and the Catholic church would not have it at the time. It was not a charter issue. It was matter of religious freedom. They got married elsewhere.

I wanted to raise this matter tonight. I was not going to enter into the debate, but when this came across my fax machine just one hour ago I felt it necessary to share this because I thought it might bring some comfort to my colleagues, who are clearly not comfortable yet with what is going on today.

The closing line of the press release is particularly powerful. It states:

Freedom of religion does not trump equality, nor does equality trump freedom of religion; the rights must co-exist.

That is the balance we seek today. That is what we strive to achieve: to balance these competing interests. I do not view them as competing interests, but some do. One does not trump the other. They can and do and will co-exist and make our society stronger, not weaker.

• (2310)

Nothing about allowing same sex couples to marry diminishes in any way my heterosexual marriage. Equality is not some finite pie, that if we give more to one group, the other group has to do with less. In fact, my rights grow as they are extended to others. Freedom is only privilege extended until it is enjoyed by everyone. These are the basic fundamental concepts we are dealing with tonight.

I note that people have mobilized around the country on this issue. I wish they would mobilize about issues such as child poverty or global warming with the same degree of passion that they bring to this debate. However, from my point of view, I do not feel threatened when loving couples want to have their commitment to each other ratified and confirmed by an institution like the state of marriage. Others should not feel threatened by that either.

We should take some guidance from the United Church when it says also that it believes the protection for conscientious objection it guarantees, which is provided by the charter and affirmed by the proposed legislation, will not conflict with the right of same sex couples to marry.

These are important principles. I hope that this has some calming influence on my colleagues. Maybe they will sleep better tonight when they know that one of the major religious institutions of the country is urging Parliament to vote in favour of same sex marriage. It is calling upon the Canadian government to move in a timely fashion to end the debate on Bill C-38, which is what we did only an hour earlier when we voted to limit the amount of time we commit to this, and urging again for all members of Parliament to vote in favour of the same sex marriage legislation.

If that is useful to my colleagues, I offer that as providing some comfort to them. If they have any questions, I would be happy to expand on it. I will reiterate one last time that those who do not support same sex marriage should not marry somebody of the same sex, and then perhaps they will not be so conflicted with what is going on today. They should marry somebody of the opposite sex.

**Mr. Gary Goodyear (Cambridge, CPC):** Mr. Speaker, I appreciate the member's reading a fax, but I do not base my decision on how I should vote on one fax. By all means, the no democratic party probably should do that.

Very quickly, I would like to offer, since we have been challenged by the minister of misinformation, that the entire concept of the notwithstanding clause is completely irrelevant simply because there is no reason to discuss the notwithstanding clause.

**Hon. Larry Bagnell:** Mr. Speaker, on a point of order, there is no minister of misinformation.

**The Speaker:** The hon. member for Cambridge may want to clarify the point. I was not sure who it was. I thought it was some fictitious character.

**Mr. Gary Goodyear:** I apologize, Mr. Speaker. The fact is that there is simply no reason to discuss the use of the notwithstanding clause in the absence of a Supreme Court decision which indicates that the traditional definition of marriage is unconstitutional, and the Supreme Court has not done that. I will repeat it very slowly, it has not done that.

Let us say that it did, because it did make rulings. For example, the Supreme Court decision in the Daviault case, which allowed extreme intoxication to be used as a defence, was reversed by Parliament. It was reversed in 1995 under the Liberal government, I might add. In 1996 it also—

**Mr. Pat Martin:** Mr. Speaker, as we are running out of time in the debate, my only concern is that the question the member seems to be asking seems to be directed to the previous speaker and not to me. I

would very much like the opportunity to answer any questions he may have about the speech that I made.

**The Speaker:** The hon. member is absolutely right, and I am afraid we have run out of time now.

It being 11:14 p.m., pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the report stage of the bill now before the House.

The first question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Speaker:** The division on Motion No. 1 is deferred.

The next question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Speaker:** The division on Motion No. 2 is deferred.

The next question is on Motion No. 3.

● (2315)

[*Translation*]

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

I declare Motion No. 3 lost.  
(Motion No. 3 negatived)

[English]

**The Speaker:** The next question is on Motion No. 8. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Speaker:** The recorded division on Motion No. 8 is deferred.

The next question is on Motion No. 10.

[Translation]

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Speaker:** The Division on Motion No. 10 stands deferred.

[English]

I shall now propose Motions Nos. 4 and 5 in Group No. 2 to the House.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC)** moved:

Motion No. 4

That Bill C-38, in Clause 3.1, be amended by replacing line 5 on page 3 with the following:

“3.1 No person or”

**Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Ind.)** moved:

Motion No. 5

That Bill C-38, in Clause 3.1, be amended by replacing line 9 on page 3 with the following:

“by reason of their exercise, in respect of”

**The Speaker:** The question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Speaker:** The division on Motion No. 4 is deferred.

The next question is on Motion No. 5.

[Translation]

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion, the nays have it.

*And more than five members having risen:*

**The Speaker:** The vote on Motion No. 5 is deferred.

[English]

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

[Translation]

Call in the members.

● (2335)

[English]

*And the bells having rung:*

**The Speaker:** The question is on Motion No. 1.

● (2350)

[Translation]

(The House divided on Motion No. 1, which was negatived on the following division:)

*(Division No. 148)*

## YEAS

## Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Bonin
Bouchard	Breitkreuz
Brown (Leeds—Grenville)	Cardin
Carrie	Casey
Casson	Chatters
Chong	Cummins
Day	Desjarlais
Devolin	Doyle
Duncan	Epp
Finley	Fletcher
Forsyth	Gallant
Gaudet	Goldring
Goodyear	Grewal (Newton—North Delta)
Grewal (Fleetwood—Port Kells)	Guergis
Hanger	Harper
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Hubbard	Jaffer
Jean	Johnston
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
Kenney (Calgary Southeast)	Kilgour
Komarnicki	Kramp (Prince Edward—Hastings)
Lastewka	Lauzon
Lukiwski	Lunn
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Maloney
Mark	McTeague
Menzies	Merrifield
Miller	Mills
Moore (Fundy Royal)	Nicholson
O'Brien	O'Connor
Obhrai	Oda
Pallister	Perron
Poillievre	Preston
Rajotte	Reid
Reynolds	Richardson
Ritz	Scheer
Schellenberger	Schmidt (Kelowna—Lake Country)
Skelton	Smith (Kildonan—St. Paul)
Solberg	Sorenson
Strahl	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Tonks	Trost
Tweed	Van Loan
Vellacott	Wappel
Warawa	Watson
White	Williams
Yelich — 109	

## NAYS

## Members

Adams	Alcock
Anderson (Victoria)	André
Angus	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Bélangier
Bell	Bellavance
Bennett	Bevilacqua
Bigras	Blaikie
Blais	Blondin-Andrew
Boire	Boivin
Bonsant	Boshcoff
Boudria	Boulianne
Bourgeois	Bradshaw
Brison	Brown (Oakville)
Brunelle	Bulte
Carrier	Carroll

Catterall	Chan
Christopherson	Clavet
Cleary	Coderre
Comartin	Comuzzi
Côté	Cotler
Crête	Crowder
Cullen (Skeena—Bulkley Valley)	D'Amours
Davies	Demers
Deschamps	DeVillers
Dhalla	Dion
Dosanjh	Drouin
Dryden	Duceppe
Easter	Emerson
Eyking	Faille
Folco	Fontana
Frulla	Gagnon (Québec)
Gagnon (Saint-Maurice—Champlain)	Gagnon (Jonquière—Alma)
Gauthier	Godbout
Godfrey	Godin
Goodale	Graham
Guarnieri	Guay
Guimond	Holland
Ianno	Jennings
Julian	Kadis
Karetak-Lindell	Keddy (South Shore—St. Margaret's)
Khan	Laframboise
Lalonde	Lapierre (Outremont)
Lapierre (Lévis—Bellechasse)	Lavallée
Layton	LeBlanc
Lee	Lemay
Lessard	Lévesque
Longfield	Loubier
Macklin	Marceau
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Masse	McCallum
McDonough	McGuinty
McGuire	McLellan
Ménard (Hochelega)	Ménard (Marc-Aurèle-Fortin)
Minna	Mitchell
Moore (Port Moody—Westwood—Port Coquitlam)	
Murphy	Owen
Myers	Paradis
Pacetti	Pettigrew
Peterson	Pickard (Chatham-Kent—Essex)
Picard (Drummond)	Poirier-Rivard
Plamondon	Prentice
Powers	Ratansi
Proulx	Regan
Redman	Rodriguez
Robillard	Roy
Rota	Saada
Russell	Savage
Sauvageau	Sgro
Scott	Silva
Siksay	Simard (Saint Boniface)
Simard (Beauport—Limoilou)	St. Amand
Smith (Pontiac)	Stoffer
St. Denis	Szabo
Stronach	Temelkovski
Telegdi	Torsney
Thibault (West Nova)	Valeri
Ur	Vincent
Valley	Wasylycia-Leis
Volpe	
Wrzesnewskyj — 163	

## PAIRED

Nil

**The Speaker:** I declare Motion No. 1 lost.*[English]*

The next question is on Motion No. 2.

**Hon. Karen Redman:** Mr. Speaker, I believe you will find unanimous consent to apply the results of the vote just taken on the question now before the House, except for those members who wish to be recorded as otherwise.

**The Speaker:** Is there unanimous consent to proceed in this way?

**Some hon. members:** Agreed.

**Hon. Rob Nicholson:** Mr. Speaker, the Conservatives would like to apply the vote of the member for Prince Albert on the yea side for this and subsequent votes.

**The Speaker:** With that one change, is it agreed that the vote apply? There are other changes.

**Hon. John McKay:** Mr. Speaker, I would like my vote to be recorded as in favour.

**Hon. Bryon McKay:** Mr. Speaker, I would like my vote to be recorded in favour.

**Mr. Derek Lee:** Mr. Speaker, I will be voting in favour.

**Mr. Raymond Bonin:** Mr. Speaker, I again wish to be recorded as voting yes.

**Hon. Karen Redman:** Mr. Speaker, just for clarification for the House, the agreement would be that all members who voted previously will be voting the same way on this vote. Only members who are changing their vote or who had abstained from the last vote would be required to stand. Otherwise they are recorded as voting the same.

**The Speaker:** I hope we are dealing only with changes in the vote if we have unanimous consent to apply.

**Mr. Massimo Pacetti:** Mr. Speaker, I would like to be recorded as voting in favour of the motion.

**Mr. Ken Boshcoff:** Mr. Speaker, I also would like to be recorded as voting in favour.

**Mr. Paul Szabo:** Mr. Speaker, I am voting in favour.

• (2355)

**Hon. Judi Longfield:** Mr. Speaker, I am voting in favour.

**Hon. Raymond Simard:** Mr. Speaker, I will be voting in favour as well.

**Mr. Rodger Cuzner:** Mr. Speaker, I am voting in favour.

**Mr. Andy Savoy:** Mr. Speaker, I will be voting in favour as well.

**Mr. Francis Scarpaleggia:** Mr. Speaker, I will be voting in favour.

**Mr. Scott Simms:** Mr. Speaker, I will be voting in favour.

**Mr. Charles Hubbard:** Mr. Speaker, I am voting in favour.

**Mr. John Maloney:** Mr. Speaker, I am also voting in favour.

**Hon. Lawrence MacAulay:** Mr. Speaker, I wish to be recorded as voting in favour.

[*Translation*]

(The House divided on Motion No. 2, which was negatived on the following division:)

(*Division No. 149*)

**YEAS**

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Bonin
Boshcoff	Bouchard
Breitkreuz	Brown (Leeds—Grenville)

Cardin
Casey
Chatters
Cummins
Day
Devolin
Duncan
Finley
Fletcher
Gallant
Goldring
Grewal (Newton—North Delta)
Guergis
Harper
Harrison
Hiebert
Hinton
Jaffer
Johnston
Karygiannis
Kilgour
Kramp (Prince Edward—Hastings)
Lauzon
Longfield
Lunn
MacAulay
MacKenzie
Maloney
McKay (Scarborough—Guildwood)
Menzies
Miller
Moore (Fundy Royal)
O'Brien
Obhrai
Pacetti
Perron
Preston
Reid
Richardson
Savoy
Scheer
Schmidt (Kelowna—Lake Country)
Simms
Smith (Kildonan—St. Paul)
Sorenson
Szabo
Basques)
Thompson (New Brunswick Southwest)
Tilson
Tonks
Tweed
Vellacott
Warawa
White
Williams

Carrie
Casson
Chong
Cuzner
Desjarlais
Doyle
Epp
Fitzpatrick
Forseth
Gaudet
Goodyear
Grewal (Fleetwood—Port Kells)
Hanger
Harris
Hearn
Hill
Hubbard
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Komarnicki
Lastewka
Lee
Lukiwski
Lunney
MacKay (Central Nova)
Malhi
Mark
McTeague
Merrifield
Mills
Nicholson
O'Connor
Oda
Pallister
Poillievre
Rajotte
Reynolds
Ritz
Scarpaleggia
Schellenberger
Simard (Saint Boniface)
Skelton
Solberg
Strahl
Thibault (Rimouski-Neigette—Témiscouata—Les
Thompson (Wild Rose)
Toews
Trost
Van Loan
Wappel
Watson
Wilfert
Yelich — 122

**NAYS**

Members

Alcock
André
Augustine
Bagnell
Bakopanos
Bélanger
Bellavance
Bevilacqua
Blaikie
Blondin-Andrew
Boivin
Boudria
Bourgeois
Brisson
Brunelle
Carrier
Catterall
Christopherson
Cleary
Comartin
Côté
Crête
Cullen (Skeena—Bulkley Valley)
Davies

Demers	Deschamps
DeVillers	Dhalla
Dion	Dosanjh
Drouin	Dryden
Duceppe	Easter
Emerson	Eyking
Faille	Folco
Fontana	Frulla
Gagnon (Québec)	Gagnon (Saint-Maurice—Champlain)
Gagnon (Jonquière—Alma)	Gauthier
Godbout	Godfrey
Godin	Goodale
Graham	Guarnieri
Guay	Guimond
Holland	Ianno
Jennings	Julian
Kadis	Karetak-Lindell
Keddy (South Shore—St. Margaret's)	Khan
Laframboise	Lalonde
Lapierre (Outremont)	Lapierre (Lévis—Bellechasse)
Lavallée	Layton
LeBlanc	Lemay
Lessard	Lévesque
Loubier	Macklin
Marceau	Marleau
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Masse
McCallum	McDonough
McGuinty	McGuire
McLellan	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Minna
Mitchell	Moore (Port Moody—Westwood—Port Coquitlam)
Murphy	Myers
Owen	Paradis
Peterson	Pettigrew
Picard (Drummond)	Pickard (Chatham-Kent—Essex)
Plamondon	Poirier-Rivard
Powers	Prentice
Proulx	Ratansi
Redman	Regan
Robillard	Rodriguez
Rota	Roy
Russell	Saada
Sauvageau	Savage
Scott	Sgro
Siksay	Silva
Simard (Beauport—Limoilou)	Smith (Pontiac)
St. Amand	St. Denis
Stoffer	Stronach
Telegdi	Temelkovski
Thibault (West Nova)	Torsney
Ur	Valeri
Valley	Vincent
Volpe	Wasylycia-Leis
Wrzesniewski- — 157	

## PAIRED

## Members

Bergeron Cullen (Etobicoke North)  
Paquette Patry- — 4

**The Speaker:** I declare Motion No. 2 lost.

[English]

**Mr. Jay Hill:** Mr. Speaker, I rise on a point of order. I wonder if you could clarify the vote result. The Clerk's microphone was not working and we could not hear.

**The Speaker:** The results are yeas, 121; nays, 152.

The next question is on Motion No. 8.

**Hon. Karen Redman:** Mr. Speaker, I believe you would find unanimous consent again to apply the results of the vote just taken to the question now before the House, except those members who wish to be recorded differently. I wish to point out that the member for Scarborough—Guildwood would like to abstain from this vote.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

**Mr. Paul Szabo:** Mr. Speaker, I will be voting no on this motion.

[Translation]

**Mr. Massimo Pacetti:** Mr. Speaker, I will be voting against this motion.

[English]

**Hon. Judi Longfield:** Mr. Speaker, I will vote no.

**Hon. Raymond Simard:** Mr. Speaker, I will be voting no.

**Hon. Walt Lastewka:** Mr. Speaker, I will be voting no.

**Mr. John Maloney:** Mr. Speaker, I will be voting no.

**Mr. Raymond Bonin:** Mr. Speaker, I will be voting no.

**Mr. Alan Tonks:** Mr. Speaker, I will be voting no.

**Mr. Ken Boshcoff:** Mr. Speaker, I will be voting no also.

● (2400)

**Hon. Bryon Wilfert:** Mr. Speaker, I will be voting no.

**Mr. Derek Lee:** I will be voting no, Mr. Speaker.

**Mr. Charles Hubbard:** Mr. Speaker, I will be voting no.

[Translation]

**Mr. Roger Gaudet:** Mr. Speaker, I will be voting no.

**Mr. Serge Cardin:** Mr. Speaker, I will be voting no.

**Ms. Louise Thibault:** Mr. Speaker, I will be voting no.

**Mr. Robert Bouchard:** Mr. Speaker, I will be voting no.

**Mr. Gilles-A. Perron:** Mr. Speaker, I will be voting no.

[English]

**Mrs. Bev Desjarlais:** Mr. Speaker, I will be voting no on this motion.

● (2405)

(The House divided on Motion No. 8, which was negated on the following division:)

(Division No. 150)

## YEAS

## Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Breitkreuz
Brown (Leeds—Grenville)	Carrie
Casey	Casson
Chatters	Chong
Cummins	Cuzner
Day	Devolin
Doyle	Duncan
Epp	Finley
Fitzpatrick	Fletcher
Forseth	Gallant
Goldring	Goodyear
Grewal (Newton—North Delta)	Grewal (Fleetwood—Port Kells)
Guergis	Hanger
Harper	Harris
Harrison	Hearn
Hiebert	Hill
Hinton	Jaffer

Jean  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Kenney (Calgary Southeast)  
Komarnicki  
Lauzon  
Lunn  
MacAulay  
MacKenzie  
Mark  
Menzies  
Miller  
Moore (Fundy Royal)  
O'Brien  
Obhrai  
Pallister  
Preston  
Reid  
Richardson  
Savoy  
Scheer  
Schmidt (Kelowna—Lake Country)  
Skelton  
Solberg  
Strahl  
Thompson (Wild Rose)  
Toews  
Tweed  
Vellacott  
Warawa  
White  
Yelich — 103

Johnston  
Karygiannis  
Kilgour  
Kramp (Prince Edward—Hastings)  
Lukiwski  
Lunney  
MacKay (Central Nova)  
Malhi  
McTeague  
Merrifield  
Mills  
Nicholson  
O'Connor  
Oda  
Poilievre  
Rajotte  
Reynolds  
Ritz  
Scarpaleggia  
Schellenberger  
Simms  
Smith (Kildonan—St. Paul)  
Sorenson  
Thompson (New Brunswick Southwest)  
Tilson  
Trost  
Van Loan  
Wappel  
Watson  
Williams

Lavallée  
LeBlanc  
Lemay  
Lévesque  
Loubier  
Maloney  
Marleau  
Martin (Winnipeg Centre)  
Masse  
McDonough  
McGuire  
Ménard (Hochelega)  
Minna  
Moore (Port Moody—Westwood—Port Coquitlam)  
Murphy  
Myers  
Pacetti  
Perron  
Pettigrew  
Pickard (Chatham-Kent—Essex)  
Poirier-Rivard  
Prentice  
Ratansi  
Regan  
Rodriguez  
Roy  
Saada  
Savage  
Sgro  
Silva  
Simard (Saint Boniface)  
St. Amand  
Stoffler  
Szabo  
Temelkovski  
Basques)  
Thibault (West Nova)  
Torsney  
Valeri  
Vincent  
Wasylycia-Leis  
Wrzesnewskyj — 175

Layton  
Lee  
Lessard  
Longfield  
Macklin  
Marceau  
Martin (Esquimalt—Juan de Fuca)  
Martin (LaSalle—Émard)  
McCallum  
McGuinty  
McLellan  
Ménard (Marc-Aurèle-Fortin)  
Mitchell  
  
Owen  
Paradis  
Peterson  
Picard (Drummond)  
Plamondon  
Powers  
Proulx  
Redman  
Robillard  
Rota  
Russell  
Sauvageau  
Scott  
Siksay  
Simard (Beauport—Limouilou)  
Smith (Pontiac)  
St. Denis  
Stronach  
Telegdi  
Thibault (Rimouski-Neigette—Témiscouata—Les  
Tonks  
Ur  
Valley  
Volpe  
Wilfert

## NAYS

### Members

Adams  
Anderson (Victoria)  
Angus  
Bachand  
Bains  
Barnes  
Bell  
Bennett  
Bigras  
Blais  
Boire  
Bonin  
Boshcoff  
Boudria  
Bourgeois  
Brisson  
Brunelle  
Cardin  
Carroll  
Chan  
Clavet  
Coderre  
Comuzzi  
Cotler  
Crowder  
D'Amours  
Demers  
Desjarlais  
Dhalla  
Dosanjh  
Dryden  
Easter  
Eyking  
Folco  
Frulla  
Gagnon (Saint-Maurice—Champlain)  
Gaudet  
Godbout  
Godin  
Graham  
Guay  
Holland  
Ianno  
Julian  
Karetak-Lindell  
Khan  
Lalonde  
Lapierre (Lévis—Bellechasse)

Alcock  
André  
Augustine  
Bagnell  
Bakopanos  
Bélanger  
Bellavance  
Bevilacqua  
Blaikie  
Blondin-Andrew  
Boivin  
Bonsant  
Bouchard  
Boulianne  
Bradshaw  
Brown (Oakville)  
Bulte  
Carrier  
Catterall  
Christopherson  
Cleary  
Comartin  
Côté  
Crête  
Cullen (Skeena—Bulkley Valley)  
Davies  
Deschamps  
DeVillers  
Dion  
Drouin  
Duceppe  
Emerson  
Faille  
Fontana  
Gagnon (Québec)  
Gagnon (Jonquière—Alma)  
Gauthier  
Godfrey  
Goodale  
Guarnieri  
Guimond  
Hubbard  
Jennings  
Kadis  
Keddy (South Shore—St. Margaret's)  
Laframboise  
Lapierre (Outremont)  
Lastewka

## PAIRED

### Members

Bergeron  
Paquette  
Cullen (Etobicoke North)  
Patty — 4

**The Speaker:** I declare Motion No. 8 lost.

The next question is on Motion No. 10.

**Hon. Karen Redman:** Mr. Speaker, I believe you would find unanimous consent to apply the results of the vote just taken to the question now before the House, with the member for Richmond Hill abstaining along with the member for Scarborough—Guildwood.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

**Mr. James Moore:** Mr. Speaker, I would like to be recorded as voting no.

(The House divided on the Motion No. 10, which was negatived on the following division:)

(Division No. 151)

## YEAS

### Members

Abbott  
Allison  
Anders  
Batters  
Bezan  
Brown (Leeds—Grenville)  
Abлонczy  
Ambrose  
Anderson (Cypress Hills—Grasslands)  
Benoit  
Breitkreuz  
Carrie

Casey  
Chatters  
Cummins  
Day  
Doyle  
Épp  
Fitzpatrick  
Forseth  
Goldring  
Grewal (Newton—North Delta)  
Guergis  
Harper  
Harrison  
Hiebert  
Hinton  
Jean  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Kenney (Calgary Southeast)  
Komarnicki  
Lauzon  
Lunn  
MacAulay  
MacKenzie  
Mark  
Menzies  
Miller  
Moore (Fundy Royal)  
O'Brien  
Obhrai  
Pallister  
Preston  
Reid  
Richardson  
Savoy  
Scheer  
Schmidt (Kelowna—Lake Country)  
Skelton  
Solberg  
Strahl  
Thompson (Wild Rose)  
Toews  
Tweed  
Vellacott  
Warawa  
White  
Yelich — 103

Casson  
Chong  
Cuzner  
Devolin  
Duncan  
Finley  
Fletcher  
Gallant  
Goodyear  
Grewal (Fleetwood—Port Kells)  
Hanger  
Harris  
Hearn  
Hill  
Jaffer  
Johnston  
Karygiannis  
Kilgour  
Kramp (Prince Edward—Hastings)  
Lukiwski  
Lunney  
MacKay (Central Nova)  
Malhi  
McTeague  
Merrifield  
Mills  
Nicholson  
O'Connor  
Oda  
Poilievre  
Rajotte  
Reynolds  
Ritz  
Scarpaleggia  
Schellenberger  
Simms  
Smith (Kildonan—St. Paul)  
Sorenson  
Thompson (New Brunswick Southwest)  
Tilson  
Trost  
Van Loan  
Wappel  
Watson  
Williams

Folco  
Frulla  
Gagnon (Saint-Maurice—Champlain)  
Gaudet  
Godbout  
Godin  
Graham  
Guay  
Holland  
Ianno  
Julian  
Karetak-Lindell  
Khan  
Lalonde  
Lapierre (Lévis—Bellechasse)  
Lavallée  
LeBlanc  
Lemay  
Lévesque  
Loubier  
Maloney  
Marleau  
Martin (Winnipeg Centre)  
Masse  
McDonough  
McGuire  
Ménard (Hochelaga)  
Minna  
Moore (Port Moody—Westwood—Port Coquitlam)  
Murphy  
Myers  
Pacetti  
Perron  
Pettigrew  
Pickard (Chatham-Kent—Essex)  
Poirier-Rivard  
Prentice  
Ratansi  
Regan  
Rodriguez  
Roy  
Saada  
Savage  
Sgro  
Silva  
Simard (Saint Boniface)  
St. Amand  
Stoffer  
Szabo  
Temelkovski  
Basques)  
Thibault (West Nova)  
Torsney  
Valeri  
Vincent  
Wasylcyia-Leis

Fontana  
Gagnon (Québec)  
Gagnon (Jonquière—Alma)  
Gauthier  
Godfrey  
Goodale  
Guarnieri  
Guimond  
Hubbard  
Jennings  
Kadis  
Keddy (South Shore—St. Margaret's)  
Laframboise  
Lapierre (Outremont)  
Lastewka  
Layton  
Lee  
Lessard  
Longfield  
Macklin  
Marceau  
Martin (Esquimalt—Juan de Fuca)  
Martin (LaSalle—Émard)  
McCallum  
McGuinity  
McLellan  
Ménard (Marc-Aurèle-Fortin)  
Mitchell  
Owen  
Paradis  
Peterson  
Picard (Drummond)  
Plamondon  
Powers  
Proulx  
Redman  
Robillard  
Rota  
Russell  
Sauvageau  
Scott  
Siksay  
Simard (Beauport—Limoilou)  
Smith (Pontiac)  
St. Denis  
Stronach  
Telegdi  
Thibault (Rimouski-Neigette—Témiscouata—Les  
Tonks  
Ur  
Valley  
Volpe  
Wrzesnewskyj — 174

## NAYS

### Members

Adams  
Anderson (Victoria)  
Angus  
Bachand  
Bains  
Barnes  
Bell  
Bennett  
Bigras  
Blais  
Boire  
Bonin  
Boshcoff  
Boudria  
Bourgeois  
Brisson  
Brunelle  
Cardin  
Carroll  
Chan  
Clavet  
Coderre  
Comuzzi  
Cotler  
Crowder  
D'Amours  
Demers  
Desjarlais  
Dhalla  
Dosanjh  
Dryden  
Easter  
Eyking

Alcock  
André  
Augustine  
Bagnell  
Bakopanos  
Bélangier  
Bellavance  
Bevilacqua  
Blaikie  
Blondin-Andrew  
Boivin  
Bonsant  
Bouchard  
Boulianne  
Bradshaw  
Brown (Oakville)  
Bulte  
Carrier  
Catterall  
Christopherson  
Cleary  
Comartin  
Côté  
Crête  
Cullen (Skeena—Bulkley Valley)  
Davies  
Deschamps  
DeVillers  
Dion  
Drouin  
Duceppe  
Emerson  
Faille

## PAIRED

### Members

Bergeron  
Paquette  
Cullen (Etobicoke North)  
Patry — 4

**The Speaker:** I declare Motion No. 10 lost.

The next question is on Motion No. 4.

**Hon. Karen Redman:** Mr. Speaker, I believe you would find consent to apply the votes just taken on the motion now before the House.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

(The House divided on Motion No. 4, which was negated on the following division:)

*(Division No. 152)*

## YEAS

## Members

Abbott  
Allison  
Anders  
Batters  
Bezan  
Brown (Leeds—Grenville)  
Casey  
Chatters  
Cummins  
Day  
Doyle  
Epp  
Fitzpatrick  
Forseth  
Goldring  
Grewal (Newton—North Delta)  
Guergis  
Harper  
Harrison  
Hiebert  
Hinton  
Jean  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Kenney (Calgary Southeast)  
Komarnicki  
Lauzon  
Lunn  
MacAulay  
MacKenzie  
Mark  
Menzies  
Miller  
Moore (Fundy Royal)  
O'Brien  
Obhrai  
Pallister  
Preston  
Reid  
Richardson  
Savoy  
Scheer  
Schmidt (Kelowna—Lake Country)  
Skelton  
Solberg  
Strahl  
Thompson (Wild Rose)  
Toews  
Tweed  
Vellacott  
Warawa  
White  
Yelich— 103

Ablonczy  
Ambrose  
Anderson (Cypress Hills—Grasslands)  
Benoit  
Breitkreuz  
Carrie  
Casson  
Chong  
Cuzner  
Devolin  
Duncan  
Finley  
Fletcher  
Gallant  
Goodyear  
Grewal (Fleetwood—Port Kells)  
Hanger  
Harris  
Hearn  
Hill  
Jaffer  
Johnston  
Karygiannis  
Kilgour  
Kramp (Prince Edward—Hastings)  
Lukiwski  
Lunney  
MacKay (Central Nova)  
Malhi  
McTeague  
Merrifield  
Mills  
Nicholson  
O'Connor  
Oda  
Poilievre  
Rajotte  
Reynolds  
Ritz  
Scarpaleggia  
Schellenberger  
Simms  
Smith (Kildonan—St. Paul)  
Sorenson  
Thompson (New Brunswick Southwest)  
Tilson  
Trost  
Van Loan  
Wappel  
Watson  
Williams

## NAYS

## Members

Adams  
Anderson (Victoria)  
Angus  
Bachand  
Bains  
Barnes  
Bell  
Bennett  
Bigras  
Blais  
Boire  
Bonin  
Boshcoff  
Boudria  
Bourgeois  
Brisson  
Brunelle  
Cardin  
Carroll  
Chan  
Clavet

Alcock  
André  
Augustine  
Bagnell  
Bakopanos  
Bélangier  
Bellavance  
Bevilacqua  
Blaikie  
Blondin-Andrew  
Boivin  
Bonsant  
Bouchard  
Boulianne  
Bradshaw  
Brown (Oakville)  
Bulte  
Carrier  
Catterall  
Christopherson  
Cleary

Coderre  
Comuzzi  
Côté  
Crête  
Crowder  
D'Amours  
Demers  
Desjarlais  
Dhalla  
Dosanjh  
Dryden  
Easter  
Eyking  
Folco  
Frulla  
Gagnon (Saint-Maurice—Champlain)  
Gaudet  
Godbout  
Godin  
Graham  
Guay  
Holland  
Ianno  
Julian  
Karetak-Lindell  
Khan  
Lalonde  
Lapierre (Lévis—Bellechasse)  
Lavallée  
LeBlanc  
Lemay  
Lévesque  
Loubier  
Maloney  
Marleau  
Martin (Winnipeg Centre)  
Masse  
McDonough  
McGuire  
Ménard (Hochelega)  
Minna  
Moore (Port Moody—Westwood—Port Coquitlam)  
Murphy  
Myers  
Pacetti  
Perron  
Pettigrew  
Pickard (Chatham-Kent—Essex)  
Poirier-Rivard  
Prentice  
Ratansi  
Regan  
Rodriguez  
Roy  
Saada  
Savage  
Sgro  
Silva  
Simard (Saint Boniface)  
St. Amand  
Stoffer  
Szabo  
Temelkovski  
Basques)  
Thibault (West Nova)  
Torsney  
Valeri  
Vincent  
Wasylycia-Leis

Comartin  
Côté  
Crête  
Cullen (Skeena—Bulkley Valley)  
Davies  
Deschamps  
DeVillers  
Dion  
Drouin  
Duceppe  
Emerson  
Faille  
Fontana  
Gagnon (Québec)  
Gagnon (Jonquière—Alma)  
Gauthier  
Godfrey  
Goodale  
Guarnieri  
Guimond  
Hubbard  
Jennings  
Kadis  
Keddy (South Shore—St. Margaret's)  
Laframboise  
Lapierre (Outremont)  
Lastewka  
Layton  
Lee  
Lessard  
Longfield  
Macklin  
Marceau  
Martin (Esquimalt—Juan de Fuca)  
Martin (LaSalle—Émard)  
McCallum  
McGuinty  
McLellan  
Ménard (Marc-Aurèle-Fortin)  
Mitchell

Owen  
Paradis  
Peterson  
Picard (Drummond)  
Plamondon  
Powers  
Proulx  
Redman  
Robillard  
Rota  
Russell  
Sauvageau  
Scott  
Siksay  
Simard (Beauport—Limoilou)  
Smith (Pontiac)  
St. Denis  
Stronach  
Telegdi  
Thibault (Rimouski-Neigette—Témiscouata—Les

Tonks  
Ur  
Valley  
Volpe  
Wrzesnewskyj— 174

## PAIRED

Nil

**The Speaker:** I declare Motion No. 4 lost.

The next question is on Motion No. 5.

**Hon. Karen Redman:** Mr. Speaker, I believe you would find unanimous consent to apply the vote just taken on the motion now before the House.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

• (2410)

(The House divided on Motion No. 5, which was negated on the following division:)

*(Division No. 153)*

**YEAS**

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Breitkreuz
Brown (Leeds—Grenville)	Carrie
Casey	Casson
Chatters	Chong
Cummins	Cuzner
Day	Devolin
Doyle	Duncan
Epp	Finley
Fitzpatrick	Fletcher
Forseth	Gallant
Goldring	Goodyear
Grewal (Newton—North Delta)	Grewal (Fleetwood—Port Kells)
Guergis	Hanger
Harper	Harris
Harrison	Hearn
Hiebert	Hill
Hinton	Jaffer
Jean	Johnston
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
Kenney (Calgary Southeast)	Kilgour
Komarnicki	Kramp (Prince Edward—Hastings)
Lauzon	Lukiwski
Lunn	Lunney
MacAulay	Mackay (Central Nova)
MacKenzie	Malhi
Mark	McTeague
Menzies	Merrifield
Miller	Mills
Moore (Fundy Royal)	Nicholson
O'Brien	O'Connor
Obhrai	Oda
Pallister	Poilievre
Preston	Rajotte
Reid	Reynolds
Richardson	Ritz
Savoy	Scarpaleggia
Scheer	Schellenberger
Schmidt (Kelowna—Lake Country)	Simms
Skelton	Smith (Kildonan—St. Paul)
Solberg	Sorenson
Strahl	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Trost
Tweed	Van Loan
Vellacott	Wappel
Warawa	Watson
White	Williams
Yelich — 103	

**NAYS**

Members

Adams	Alcock
Anderson (Victoria)	André
Angus	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Bélangier
Bell	Bellavance
Bennett	Bevilacqua
Bigras	Blaikie
Blais	Blondin-Andrew
Boire	Boivin
Bonin	Bonsant
Boshcoff	Bouchard
Boudria	Boulianne

Bourgeois	Bradshaw
Brisson	Brown (Oakville)
Brunelle	Bulte
Cardin	Carrier
Carroll	Catterall
Chan	Christopherson
Clavet	Cleary
Coderre	Comartin
Comuzzi	Côté
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
D'Amours	Davies
Demers	Deschamps
Desjarlais	DeVillers
Dhalla	Dion
Dosanjh	Drouin
Dryden	Duceppe
Easter	Emerson
Eyking	Faille
Folco	Fontana
Frulla	Gagnon (Québec)
Gagnon (Saint-Maurice—Champlain)	Gagnon (Jonquière—Alma)
Gaudet	Gauthier
Godbout	Godfrey
Godin	Goodale
Graham	Guarnieri
Guay	Guimond
Holland	Hubbard
Ianno	Jennings
Julian	Kadis
Karetak-Lindell	Keddy (South Shore—St. Margaret's)
Khan	Laframboise
Lalonde	Lapierre (Outremont)
Lapierre (Lévis—Bellechasse)	Lastewka
Lavallée	Layton
LeBlanc	Lee
Lemay	Lessard
Lévesque	Longfield
Loubier	Macklin
Maloney	Marceau
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Masse	McCallum
McDonough	McGuinity
McGuire	McLellan
Ménard (Hochelega)	Ménard (Marc-Aurèle-Fortin)
Minna	Mitchell
Moore (Port Moody—Westwood—Port Coquitlam)	
Murphy	Owen
Myers	Paradis
Pacetti	Peterson
Perron	Picard (Drummond)
Pettigrew	Plamondon
Pickard (Chatham-Kent—Essex)	Powers
Poirier-Rivard	Proulx
Prentice	Redman
Ratansi	Robillard
Regan	Rota
Rodriguez	Russell
Roy	Sauvageau
Saada	Savage
Savane	Scott
Sgro	Siksay
Silva	Simard (Beauport—Limoilou)
Simard (Saint Boniface)	Smith (Pontiac)
St. Amand	St. Denis
Stoffer	Stronach
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Tonks
Torsney	Ur
Valeri	Valley
Vincent	Volpe
Wasylycia-Leis	Wrzesnewskyj — 174

**PAIRED**

Members

Bergeron	Cullen (Etobicoke North)
Paquette	Patry — 4

**The Speaker:** I declare Motion No. 5 lost.

**Hon. Irwin Cotler** moved that the bill, as amended, be concurred in with a further amendment.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**Hon. Karen Redman:** Mr. Speaker, I believe you would find unanimous consent to apply the vote previously taken on the motion now before the House, but in reverse order, with Liberals voting yes.

**The Speaker:** Perhaps the hon. chief government whip could clarify when says it is in reverse, with Liberals voting yes. Does she mean reverse of the previous result, that the people who voted no before are now voting yes?

**Hon. Karen Redman:** Mr. Speaker, that was my intent, so the motion now before the House be deemed as the same vote, only in reverse, of the people who voted on the previous question.

**The Speaker:** Is there unanimous consent to proceed in this fashion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (2420)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 154*)

YEAS

Members

Adams	Alecock
Anderson (Victoria)	André
Angus	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Bélangier
Bell	Bellavance
Bennett	Bevilacqua
Bigras	Blaikie
Blais	Blondin-Andrew
Boire	Boivin
Bonsant	Boudria
Boulianne	Bourgeois
Bradshaw	Brisson
Brown (Oakville)	Brunelle
Bulte	Carrier
Carroll	Catterall
Chan	Christopherson
Clavet	Cleary
Coderre	Comartin
Côté	Cotler
Crête	Crowder

Cullen (Skeena—Bulkley Valley)
Davies
Deschamps
Dhalla
Dosanjh
Dryden
Easter
Eyking
Folco
Frulla
Gagnon (Saint-Maurice—Champlain)
Gauthier
Godfrey
Goodale
Guarnieri
Guimond
Ianno
Julian
Karetak-Lindell
Laframboise
Lapierre (Outremont)
Lavallée
LeBlanc
Lessard
Loubier
Marceau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
McCallum
McGuinity
McLellan
Ménard (Marc-Aurèle-Fortin)
Mitchell
Murphy
Owen
Peterson
Picard (Drummond)
Plamondon
Powers
Proulx
Redman
Robillard
Rota
Russell
Sauvageau
Scott
Siksay
Simard (Beauport—Limoilou)
St. Amand
Stoffér
Telegdi
Thibault (West Nova)
Valeri
Vincent
Wasylycia-Leis

D'Amours
Demers
DeVillers
Dion
Drouin
Duceppe
Emerson
Faillie
Fontana
Gagnon (Québec)
Gagnon (Jonquière—Alma)
Godbout
Godin
Graham
Guay
Holland
Jennings
Kadis
Keddy (South Shore—St. Margaret's)
Lalonde
Lapierre (Lévis—Bellechasse)
Layton
Lemay
Lévesque
Macklin
Marleau
Martin (Winnipeg Centre)
Masse
McDonough
McGuire
Ménard (Hochelaga)
Minna
Moore (Port Moody—Westwood—Port Coquitlam)
Myers
Paradis
Pettigrew
Pickard (Chatham-Kent—Essex)
Poirier-Rivard
Prentice
Ratansi
Regan
Rodriguez
Roy
Saada
Savage
Sgro
Silva
Smith (Pontiac)
St. Denis
Stronach
Temelkovski
Torsney
Valley
Volpe
Wrzesnewskyj — 154

NAYS

Members

Ablonczy
Ambrose
Anderson (Cypress Hills—Grasslands)
Benoit
Bonin
Bouchard
Brown (Leeds—Grenville)
Carrie
Casson
Chong
Cuzner
Desjarlais
Doyle
Epp
Fitzpatrick
Forsyth
Gaudet
Goodyear
Grewal (Fleetwood—Port Kells)
Hanger
Harris
Heam
Hill
Hubbard

Jaffer  
 Johnston  
 Karygiannis  
 Khan  
 Komarnicki  
 Lastewka  
 Lee  
 Lukiwski  
 Lunney  
 MacKay (Central Nova)  
 Malhi  
 Mark  
 McTeague  
 Merrifield  
 Mills  
 Nicholson  
 O'Connor  
 Oda  
 Pallister  
 Poilievre  
 Rajotte  
 Reynolds  
 Ritz  
 Scarpateggia  
 Schellenberger  
 Simard (Saint Boniface)  
 Skelton  
 Solberg

Jean  
 Kamp (Pitt Meadows—Maple Ridge—Mission)  
 Kenney (Calgary Southeast)  
 Kilgour  
 Kramp (Prince Edward—Hastings)  
 Lauzon  
 Longfield  
 Lunn  
 MacAulay  
 MacKenzie  
 Maloney  
 McKay (Scarborough—Guildwood)  
 Menzies  
 Miller  
 Moore (Fundy Royal)  
 O'Brien  
 Obhrai  
 Pacetti  
 Perron  
 Preston  
 Reid  
 Richardson  
 Savoy  
 Scheer  
 Schmidt (Kelowna—Lake Country)  
 Simms  
 Smith (Kildonan—St. Paul)  
 Sorenson

Strahl  
 Thibault (Rimouski-Neigette—Témiscouata—Les Basques)  
 Thompson (New Brunswick Southwest)  
 Thompson (Wild Rose)  
 Toews  
 Trost  
 Ur  
 Vellacott  
 Warawa  
 White  
 Williams

Szabo  
 Tilson  
 Tonks  
 Tweed  
 Van Loan  
 Wappel  
 Watson  
 Wilfert  
 Yelich — 124

### PAIRED

#### Members

Bergeron  
 Paquette

Cullen (Etobicoke North)  
 Patry — 4

**The Speaker:** I declare the motion carried.

It being 12:21 a.m., pursuant to order made Thursday, June 23, 2005, the House stands adjourned until later this day at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 12:22 a.m.)





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