



CANADA

# House of Commons Debates

---

VOLUME 136 • NUMBER 077 • 2nd SESSION • 36th PARLIAMENT

---

OFFICIAL REPORT  
(HANSARD)

**Monday, April 3, 2000**

**Speaker: The Honourable Gilbert Parent**

## CONTENTS

(Table of Contents appears at back of this issue.)

All parliamentary publications are available on the  
“Parliamentary Internet Parlementaire” at the following address:

**<http://www.parl.gc.ca>**

# HOUSE OF COMMONS

Monday, April 3, 2000

The House met at 11 a.m.

---

*Prayers*

---

## PRIVATE MEMBERS' BUSINESS

• (1110)

[*English*]

**Mr. Peter Stoffer:** Madam Speaker, I rise on a point of order. I will be speaking in lieu of my colleague from Churchill River.

**The Acting Speaker (Ms. Thibeault):** Is there unanimous consent of the House for the hon. member to speak in lieu of the member for Churchill River?

**Some hon. members:** Agreed.

\* \* \*

### NATURAL GAS

**Mr. Peter Stoffer (for Mr. Rick Laliberte)** moved:

That, in the opinion of this House, the government should provide initiatives to deliver natural gas to unserved regions and address environmental concerns and high energy costs.

He said: Madam Speaker, I am pleased to rise in support of my colleague, the member for Churchill River, Saskatchewan on his Motion No. 298. The motion states:

That, in the opinion of this House, the government should provide initiatives to deliver natural gas to unserved regions and address environmental concerns and high energy costs.

Debate on this important motion began on June 4, 1999 in the first session of the 36th parliament. At that time the motion was called Motion No. 292. My colleague from Churchill River outlined the need for a national vision in relation to natural gas distribution. He provided the House with examples of the social and economic benefits natural gas distribution could bring to unserved regions.

Canada is blessed with tremendous natural gas resources. Canada is the world's third largest producer, and this resource sector is growing exponentially. Fueling this growth in royalty revenues is the United States demand, which some day may place our Canadian domestic needs at risk.

My NDP colleague from Winnipeg Centre described, during his debate on the motion, that gas discoveries were once considered a curse while drilling for oil. How quickly our resource priorities change. He outlined the opportunities natural gas conversion could bring into building retrofits, both in energy savings and through employment.

The federal government has approximately 50,000 properties and less than 100 have completed energy efficiency conversions since the Liberal government began mismanaging energy efficiency efforts in 1993. Indeed, the House agreed with the NDP member for Winnipeg Centre on his energy efficiency motion, Motion No. 300. That motion also called on the federal government to take action to tackle energy inefficiency.

• (1115)

The first hour of debate on Motion No. 298 included comments by the Reform Party speaker, the member for Athabasca, who supported the principle of natural gas distribution, but did not support this motion because it would bring federal interference into an area of provincial jurisdiction. The NDP agrees that the provinces and territories should have a say over the natural resources within their respective borders, but does not propose federal intrusion. Nor does it propose that a direct distribution subsidy would be the answer.

For the clarification of the House, the motion is intended to provide incentives to deliver natural gas to regions without service.

The member for Athabasca described Alberta's efforts for natural gas distribution which began in the 1960s. This successful Alberta program, based on community input and co-operative templates, could perhaps serve as a template for federal participation if and when a private or a crown interest expressed the wish to take up the federal government in an initiative opportunity.

The Liberal members who have spoken to date on Motion No. 298 have retreated to an outdated and embarrassing ideological

*Private Members' Business*

megaproject defence. The federal government is out of the mega-project business, as Liberal members have stated.

The NDP proposed a national vision, not a chequebook reference, which appears to be the Liberal policy these days.

We are not proposing to sponsor every pipeline or branch line so that every home would be linked to this cleaner energy source. We are asking the House to recognize that there are unserved regions in the country, pockets of inefficiency and high energy costs. We are asking that the House recognize these disparities of the have and have not communities and to act, to agree that improved distribution opportunities would be a benefit to the entire country.

The Progressive Conservative member for South Shore spoke in support of this motion, citing Canada's faltering commitment to the Kyoto protocol to address climate change and greenhouse gases.

Emissions continue to rise while the Liberal government hides from its responsibility to provide leadership and direction to ensure a cleaner environment and reduced energy costs for future generations. The NDP agrees that not enough is being done by the Liberal government to meet our international obligations to reverse the damage to our atmosphere which all nations and people share. The recent budget will provide for further studies and some immediate action, but falls short of the current opportunities we could be implementing.

As the finance minister stated in February in reference to infrastructure priorities for the new century, the issue will be studied and a proposed vision for Canada will be finished at year end. If the finance minister and his cabinet colleagues are committed to a national infrastructure vision for Canada, the principles of sustainability and a cleaner environment should be a guiding principle.

The supposed Liberal government commitment to rural and regional development, to level playing fields for all Canadians across this great country, requires access to clean and efficient fuel sources.

The type and availability of energy sources is a key component for business siting decisions. Where natural gas is distributed, added economic opportunities follow. Canada's raw resources are often transported hundreds of kilometres for basic processing, limiting local economic opportunities and value-added economic growth.

Quebec and New Brunswick recently addressed natural gas distribution in the region in February.

Nova Scotia has just started with the offshore Sable Island gas project, which is going great guns. The problem is that all of that gas is being distributed to the New England states. It flows right by Nova Scotia, right through New Brunswick and into the United States. I have a bit of a problem with that, although it did provide

economic growth for our province and provided many jobs in that area. We could have done much better and followed other examples around the world. Gas could have been distributed in Nova Scotia as well. Eventually those trunk lines will come to Nova Scotia, but at a much slower pace.

Businesses and enterprises in the New England states will be starting up their manufacturing plants with natural gas, which is much cheaper than the coal we use at this time and other energy sources like diesel and oil. They will be competing head-on with companies in Nova Scotia, New Brunswick and P.E.I. Those companies in the New England states will have the advantage of operating with lower fuel costs than our companies. We will be at a disadvantage for many years, until we have an equal playing field for natural gas distribution.

I could not allow a debate on natural gas to go by without mentioning the concerns of the fishermen on our shore waters, especially in the gulf area. What we have asked for, prior to any exploration for natural gas, is that a full independent environmental assessment be done on the effects of drilling or seismic work in the waters or on the land to ascertain whether indeed the proposals would be met and that they would take the environment into consideration first, prior to any exploration, so that the distribution of the gas would do three things.

• (1120 )

First, it would protect the surrounding environment where they have proposed to drill. Second, it would respect the original users of that land, whether fishermen, farmers or those involved in forestry. Third, it would provide our companies in Canada with the opportunity to obtain a cheaper or more cost effective fuel resource so that they could compete head-on with the international markets which are now operating on our own fuel bases.

There are pipelines proposed in the Mackenzie Valley, to the far north and in other places. Those lines are all headed south. The motion put forward by my hon. friend from Churchill River, Saskatchewan suggests that some of those lines should go east and west so that we could provide our businesses which are located in regions where they do not have opportunities for cheaper fuel the opportunity to compete with their southern neighbours. Fuel costs are some of the highest costs which those businesses must incur.

The oil and gas industry described the current rate of natural gas expansion as a golden era. The NDP agrees, as long as Canada's strategic interests and its citizens are of priority interest. What we are basically saying is that we should think of Canada first and export markets after, very closely of course, but we need to be able to look after our citizens and businesses in order to compete in the global economy.

At issue is what is making us sick. Why are health care costs continuing to skyrocket? Environmental factors in human health are no longer denied. Southern Ontarians only need to experience several weeks of smog and deteriorating air quality to agree.

*Private Members' Business*

A national initiative to expedite cleaner fuel sources, co-generation or mixed fuel efficiency could only help in each instance to improve air quality. Natural gas reduces greenhouse emissions. There are less particulate byproducts from natural gas fuel sources.

A national vision to provide initiative opportunities, not just to intrude on jurisdictions, is the basis for Motion No. 298. National perspective and true leadership are not bad things. A national vision gave birth to medicare and the five principles of health care, and provided the incentive for the great railway and the linking of Canadian communities and schools to the information technology sector and the Internet.

A similar effort is needed to begin concrete steps toward a more energy efficient and cleaner environment for future generations. I urge all of my colleagues to support Motion No. 298.

It is true that this country had vision in the railway. Now we have it in trying to link up all of the communities across this country, especially in rural ridings and outlying areas of Canada through the Internet, through what are called CAP sites.

We have health care in this country. The Liberals and some other opposition parties would like to see it go away and turn it into a two tiered system, but the fact is that we had a national vision for health care. This basically meant that from one end of the country to the other, from sea to sea to sea, citizens would be under the same sort of access to health care. Now it is being done for the Internet, as it was done for the railroad.

We should do the same thing for energy efficient initiatives. People in northern Saskatchewan should have the same access to fuel resources as in southern Ontario or Vancouver or in parts of Alberta.

I have full confidence that this motion will be given a sweeping endorsement by everyone once they have debated it and understand the true effects of it. On behalf of all those communities in the outlying regions of Canada, in most cases where the resource itself comes from, I am sure that members of the House, under careful reflection, would support this motion and move on to greater and bigger things.

**Mr. Brent St. Denis (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Madam Speaker, I would like to take this opportunity to address the motion put forward by the hon. member for Churchill River, so eloquently presented by his colleague this morning.

The member is proposing that the federal government subsidize natural gas expansion projects for remote communities as a way of reducing the cost of living for residents and achieving environmental benefits.

The hon. member should be thanked for his interest in this very valuable natural resource. Natural gas is a clean burning, efficient,

cost effective fuel, which is why it has become one of Canada's number one natural resources.

Canada also has an abundant supply, with an estimated available total of between 559 trillion to 630 trillion cubic feet. It is the stated objective of our government to make Canada the world's smartest natural resources' steward, developer, user and exporter. In fact to become the world's smartest resource developer means, in part, adopting a considered, practical, market oriented approach that balances the needs of all interests. It is this type of approach that is behind the natural gas success story. It is a thriving, competitive industry that has followed a course of continuous growth.

● (1125)

In the mid-1980s the crude oil and natural gas markets in Canada were deregulated. For the Canadian natural gas industry this resulted in lower natural gas prices and a surge in natural gas activity.

Since then natural gas production, along with the associated transmission and distribution infrastructure, has increased at a healthy and in some cases dramatic pace. Expansions to Canada's natural gas infrastructure, whether of a local or international dimension, have been governed by a combination of economic opportunity, economic viability and technology development.

This is one reason we have difficulty in supporting the hon. member's motion. It is the government's current energy policy not to fund megaprojects, but to leave it to the competitive market to decide what goes forward and what does not. This policy has not resulted in a stalled natural gas industry. Far from it. The result has been some very exciting private sector driven developments, including the expansion of natural gas distribution and production into new, previously unserved regions.

Consider the Sable offshore energy project to which the member referred. In late 1999 the natural gas resources from the Nova Scotia offshore began to flow. Sable natural gas was first discovered in the 1960s, but it has never been economically viable for production until now. Thanks to new drilling and production technology and new alliances between oil companies and engineering and construction contractors, the onshore Maritimes and Northeast Pipeline will make natural gas available in Nova Scotia and New Brunswick for the first time.

I am pleased that New Brunswick and Quebec are working together to extend the Sable natural gas pipeline system to northern New Brunswick and eastern Quebec as well. On February 28, 2000 the premier of New Brunswick and the premier of Quebec signed an MOU to work together in creating a favourable environment to develop an interconnection between the existing pipelines in their provinces.

*Private Members' Business*

Both premiers have stated very clearly that this project must proceed on a commercial basis and recognize that successful pipeline projects must be built on sound economic footings. I welcome their efforts and wish them success in assembling the necessary market support to move this project forward.

The building of laterals within a province, such as the hon. member is suggesting, falls under the jurisdiction of provincial governments; in the member for Churchill River's case, the Province of Saskatchewan. In these cases, expanding the distribution system is the responsibility of provincially regulated local distribution utilities. For example, in late 1999 TransGas of Saskatchewan completed a \$6 million expansion to four rural communities north of Prince Albert.

Provincial regulators set financial tests for new projects. Where a project cannot generate enough revenue to justify its capital cost, the local distribution company will ask potential gas consumers to make financial contributions, known as grants in aid of construction, which will bring the project to the point of economic viability. If converting to natural gas offers an opportunity for reduced fuel bills, consumers can use a portion of their savings to finance the cost of conversion.

The most recently available data indicates that there were an average of 125,000 new residential natural gas hookups per year in Canada from 1995 to 1997. Of these customer additions, roughly 70,000 per year resulted from new construction and 55,000 were conversions from other energy sources. What this means is that fully 48% of Canadian homes are now gas heated on a normal commercial market driven supply system.

From an energy policy point of view it would not be sensible to depart from the basic principle that project economics will decide where laterals can be built.

Let me assure the House that the Government of Canada is also very sensitive to the fact that many rural and remote communities face high cost energy and general environmental sensitivity. That is why the Department of Natural Resources has specifically designed alternative and renewable energy programs as well as energy efficiency and conservation programs that will help these communities meet their energy needs and lower their cost of living as well as to receive environmental benefits.

Pursuing these initiatives is the most workable, economically viable and environmentally friendly way of meeting the needs of rural and remote areas. Adapting these new technologies could bring these communities savings of \$200 million per year, not to mention significant environmental benefits.

• (1130)

For example, some communities are totally dependent upon fuel oil that is shipped in at great expense. There are new technology

programs in the energy sector of NRCan that focus on developing alternative and renewable sources of supply, including bioenergy, small hydro, wind, photovoltaic and active solar energy.

In addition to these technology initiatives the department has developed tools to help communities analyze what kind of supply source would be reasonable and what they need to do to pursue it. Another initiative is the development of community energy systems to improve energy efficiency and to allow better use of waste heat. Under this approach energy use is reduced by integrating conventional energy supply, renewable energy sources, energy demands of the building, transportation and industrial sectors, and the use of waste heat.

The Minister of Natural Resources is also taking the lead by working to increase energy efficiency of buildings. Let us consider this example. In this year's federal budget the Minister of Finance announced that two funds with a total of \$125 million would be created to support investment in green municipal infrastructure including projects to improve the energy efficiency of municipal buildings. It is important to develop the technology but people need to know about it.

Through ongoing information programs and sources the department is working to get the word out to rural and remote communities about alternative and energy efficiency technologies. Another initiative is the establishment of technical training and certification programs to help develop local expertise, which contributes to increased self-sufficiency.

One exciting dimension of the work in alternative power and energy efficiency is its global market potential. An estimated two billion people in the developing world do not have access to reliable energy supplies. The world market for Canadian know-how and technology is substantial. In addition, if Canada becomes the leading exporter of greenhouse gas technology, this country will be directly contributing to preventing climate change.

Canada's capacity to develop climate change mitigation technologies is already proven and it is growing. It is part and parcel of the overarching objective of the Minister of Natural Resources to establish Canada as the world's smartest resources developer. This means continuing to develop alternative and renewable energy sources and pushing ahead with more energy conservation and energy programs.

These initiatives are the best options for delivering a lower cost of living and environmental benefits to rural and remote communities. They are the wave of the future for rural and remote areas and for all of Canada.

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Madam Speaker, undoubtedly the member who represents Churchill River, Saskatchewan, had good reasons for bringing this

private member's motion to the floor of the House. I appreciate what his colleague had to say as well.

There is one advantage of being a little older. I remember very well, having lived in what is a remote area, the first time the power came to my farm. I got rid of the old 32 volt wind charger and carrying batteries out of the basement. It also gave me a great thrill when I watched the natural gas pipeline coming in. When I heard the member speak, it crossed my mind that the natural gas pipeline was laid at a speed of about three miles an hour.

My colleague in his motion is referring to unserved regions. I was busy last summer watching a gas line come in from a little place called Beulah, North Dakota, right beside Bismarck. They were coming north into the oil fields in my constituency. It was taking carbon dioxide gas and under pressure making it a liquid. There was co-operation between two companies and two countries.

A little story about that really angered me this summer. The contract to lay the pipe from south of the 49th parallel to the Weyburn oil fields came to a standstill because of government regulations.

• (1135)

There were piles of steel pipe, grey in colour. I do not know why they were 52 feet long and only 12 inches in diameter, but the laying of pipe was stopped at the border. There was no further development. The reason was that on each pipe 51 feet by 12 inches was indicated. The National Energy Board said, even though it was going four feet below ground, that had to be changed into metric. Steel stencils had to be made and each pipe had to be resprayed before it went into the ground.

I tell the House this story because the member for Churchill should realize what would have to take place. I am assuming he is intending to go north into Saskatchewan, and indeed there would be a number of problems. If it was going north it would require industry input. Otherwise the cost to go through rocky terrain would be almost prohibitive.

I do not know of any place where a natural gas pipeline could be installed above ground. I am not sure if that is possible. However I do know in Alberta, which has 276,000 kilometres of natural gas pipeline, that almost half of it is faulty. Can we imagine what it would be like and the cost to do so? I am not saying it would be impossible.

We have to look at going into the north in another way. With the cost of land acquisition and the environment protection which the north wants and deserves, I am not sure whether it is totally possible. This looks good on paper. It sounds like it is easy to accomplish. If we asked the federal government to sponsor it, what would we do? Would we go back to the provinces where the utilities remain with them?

### *Private Members' Business*

Saskatchewan Energy in my province committed \$50 million in 1999 to the expansion of natural gas pipelines. That is a lot of money for me but not a lot of money when it comes to laying pipelines. It is not a lot of money when it is necessary to go under a body of water, cross several highways and other obstacles.

I want members to imagine 50 miles of solid rock and how deep it would have to be. Natural gas is something like propane. It can freeze even in tanks that heat homes. Saskatchewan provided its school buses with propane gas. It has since taken it out because too many buses would not start at -40°. We would have to make sure there was some way. It would be extremely expensive.

The revenues of Saskatchewan Energy in 1998 were \$367 million and it made a 10% profit without municipal help, without industry help and without individual help. It had all these things going on without environment approval. The bill sounds very good, but without all these other things being in place it would not work out. Saskatchewan Energy is having difficulties in that it had to stop its own program of delivering natural gas to farms because \$50 million would not take up the new customers.

For this reason and many others I cannot support the motion. I support the intent and I would support a study, but I cannot support the government becoming involved in a massive project such as this one. We are not ready for it. I do not think the groundwork has been done. For those reasons, and with all due respect to my colleague from Churchill River, I simply cannot support the private member's motion.

• (1140)

[*Translation*]

**Mr. Ghislain Lebel (Chambly, BQ):** Madam Speaker, I am pleased to have this opportunity to speak to Motion No. 298, presented by the member of the NDP.

This motion affords us an opportunity to look at our energy supply programs and forces us to reflect on how energy is being supplied to Canadians, instead of focusing on exports and on imagining ourselves as leading exporters of natural gas. The NDP motion makes us reflect on what should be done here before getting the idea that we are leading exporters of natural gas outside Canada, to just about everywhere else, as the Liberal member has just said.

Canada's natural gas reserves are immense. They are beyond anyone's imagination. We are talking 500 to 600 trillion cubic metres. Even someone with the most fertile imagination possible cannot imagine what a volume of 500 to 600 trillion cubic metres would be like. But it does exist.

The NDP's motion comes at an opportune time, as gas prices are at an all-time high, and some countries are being virtually strangled by the oil producing countries. This is an important factor in the

*Private Members' Business*

issue. I cannot fault the oil exporting countries for setting prices and export quotas, but why should we not defend our interests as they do theirs? There is nothing wrong with that.

Considering that we are talking about 500 to 600 trillion cubic metres of gas in Canada and considering the return on the investment—today it would not be profitable, but in the case of future generations and, perhaps, given a certain kind of blackmail that will become more prevalent from year to year or decade to decade because fossil fuel sources are constantly diminishing and the more we burn the less there is left—we must find the alternatives sources that are out there.

Of course, the basic price, the cost of a cubic metre of natural gas must be taken into account, but there are other considerations including those relating to the environment and to the usefulness of the product. In light of global warming and of what was decided in Rio in the early nineties, that is to reduce greenhouse gas emissions, would the proposal made by the NDP member not be a step in that direction?

Of course, the cost of extending the natural gas distribution network all over Canada now would be astronomical. However, we must begin to think about these options now, because in 25, 50 or 75 years we will no longer be here, but future generations of Canadians will be at the mercy of countries that may still have oil, but in such reduced quantities that costs will be exorbitant, making that oil inaccessible for countries that are far from the Middle East, such as Canada.

• (1145)

This aspect of the member's proposal is very interesting, and I think the government should look into this question immediately, strike a committee in the House, perhaps even a joint committee with the Senate, call expert witnesses and look at the real issues. That is not what the government does. It reacts to a given situation, but advances nothing. I am not the one saying this. It was Senator Lynch-Staunton who said it in a speech he gave recently, on March 22 or 28, before the Canadian Club.

He said "Our governments react. They take no initiative, they propose nothing. They do not enter into discussion". This food for thought was provided by a member of a party that is in a considerable minority here in this House.

Governments cannot just watch the train go by. They have to anticipate its passage. They have to be open to the future, stop thinking about what interests them right now without giving a thought to future generations.

It is not surprising that, for example, the Bloc Quebecois is in favour of the New Democratic Party's proposal. In a sovereign Quebec, as it very soon will be I believe, some things will not change. The St. Lawrence will continue to flow from the Great

Lakes to the Atlantic, even after Quebec secedes. Ships will continue to travel it. The prevailing winds will continue to blow in the same direction.

Quebec is well intentioned. In partnership agreements, in agreements signed after Quebec becomes sovereign, the distribution networks, if there are any, like the one covered by the agreement signed last week between New Brunswick and Quebec, will continue to exist and to be recognized by a sovereign Quebec, as by a Quebec within Canada. The fact of being within Canada at the moment does not strengthen Quebecers' desire to assume their fair share of the costs of just about everything.

In the case before us, there will certainly be international agreements, because Quebec will be a nation by then, a recognized people, a state. There will be international agreements. If the Canadian government were to decide right now to take this sort of step, if it were to decide to look a bit further than the end of its nose and give some thought to North America's future from an energy angle, perhaps it would not hesitate to do some studies, take action, create incentives.

We in the Bloc Quebecois are in agreement. The NDP's suggestion is an excellent one. The government is not being asked to provide subsidies or assistance to companies responsible for extending or maintaining the existing network. At least there would be tax breaks, such as loan guarantees or some sort of commitments to serve heavily dependent communities.

My area, Chambly, is not particularly remote, but I have seen young single mothers faced with an unexpected increase in the price of heating oil. The direct result was that one, two or three children in a household were deprived of things as essential to their existence as food, because the price of heating oil doubled overnight. I have seen this. People I know well, some of my party workers, came and told me. They thought it was terrible, but it was something that happened.

• (1150)

The government has done nothing about this. It has begun to say that it would reduce its tax on a litre of gas if the provinces followed suit. This is a very petty attitude because we know that the provinces need these revenues in order to help people like those in my example who are devastated by a sudden increase in energy costs and who are unable to count on help from the federal government.

Therefore, I think that members of the Bloc Quebecois and I will support the proposal of the NDP member in principle.

[English]

**Mr. Bill Casey (Cumberland—Colchester, PC):** Madam Speaker, it certainly is a pleasure to speak about this subject. The



hon. member's timing in moving this motion is appropriate considering all the things we have recently gone through with the fluctuating gas prices.

People on fixed incomes have had to make choices between food and heat. Governments seem to have their hands tied. They have been unable to address any facet of this issue nor have they had any input or impact on the high prices of fuel, heating and operating businesses.

The proposal in this motion is very timely and we in the Conservative Party certainly support it. In fact recently the Conservative government in Nova Scotia felt it was necessary to provide low income people with assistance so they could afford heating oil by providing them with a certain amount of money each month to deal with the increased price of oil. Many people on fixed incomes have no extra money. They cannot afford to pay an extra \$100 or \$200 a month for heat because they have no other source of income.

Distributing natural gas to every place in Nova Scotia and elsewhere in Canada would take the pressure off. It would take the dependence on foreign oil and oil supplies away from the oil and energy business. Obviously there are a lot of advantages in doing this for consumers who live in rural Canada.

In Nova Scotia there is a movement under way and the system is already in place to distribute gas to the main population centres first. Then it will go on to the smaller centres, and so on, until it gets to the point where it will no longer be viable for the gas distribution companies to go that extra mile. In effect people in small communities such as Tatamagouche or Advocate in my riding will pay a fine or a penalty for living away from an area where natural gas is provided.

In my mind it is not fair that only some people can heat their homes with a clean, low cost, energy supply that is local, independent and not subject to international fluctuations of money and policy by countries on another continent. With natural gas that comes from a Canadian source, we will have some control over that and will be able to eliminate the fluctuations in prices, delivery and sustainability. However it is not fair to say that residents in some parts of Nova Scotia will be treated differently from others. We certainly support the motion.

I can think of industries located in small communities in my riding that will not be able to compete unless they have access to natural gas if the major centres in Nova Scotia have natural gas. The major and small centres in New England have natural gas. More and more the northeastern United States is our competition. If others have access to our natural gas while companies in areas like Parrsboro, Pugwash, Tatamagouche and Stewiacke do not have access to natural gas, those companies are not going to be able to compete with companies that have access to natural gas.

### *Private Members' Business*

Again, it impacts on the standard of living and sustainability of businesses in the small communities. It impacts on employment. It means zero growth. People will not invest in areas where natural gas is not available if they can locate just a few miles further a factory or facility in an area that has access to natural gas.

It is more than just the economic issue here. It is the standard of living. It is the way of life. It is the culture. It is the ability to raise a family in small communities and stay there. Therefore we support this motion.

It is incredible that natural gas exports to other countries are increasing when there are people in our own country who do not have access to natural gas. We are sending more and more to other countries, and obviously the United States, when this gas could be made available to our own residents.

• (1155)

Again it is not only to provide low cost fuel but it is to provide a stability in fuel costs. As I said, many people are on fixed incomes and cannot afford the incredible fluctuations we have seen over the last few months. Depending on our own supplies and controlling our own supplies within the country will eliminate these horrible fluctuations.

There has been a great debate in the House and speculation about what the government may do. We have seen it go one way and then the other. First the government said it would not help with the fluctuations in the energy costs then it said, maybe it would, maybe it would not. It could do away with all that if everyone in the country had access to natural gas.

More and more in eastern Canada, because of the free trade agreements and because of reductions in subsidies for transportation of goods from central Canada to Atlantic Canada, we are looking north and south. We are looking to our neighbours in the northeastern United States as our competition, as our suppliers and as our customers. We have to be able to compete on a level playing field with them. If we are pumping our natural gas to them and providing their industries and consumers with our natural gas, then we have to have access to it as well. It only makes sense.

There is another benefit of this proposal. There is a huge correctional facility in the town of Springhill, Nova Scotia which is in my riding. Its energy costs are enormous. It could use natural gas to offset those energy costs. It could use it in combination with the local geothermal energy in Springhill and reduce the energy costs dramatically. Again, if the natural gas is only delivered to the major centres, Springhill will not be on that list for a long time.

An initiative such as the one proposed today would provide some help in making sure that Springhill gets natural gas in a timely fashion. The industries there, the government agencies and the government buildings and facilities would also benefit. That again would save taxpayers. Perhaps the initiatives would cost money but

*Private Members' Business*

there would also be huge savings and it would remove the instability.

Springhill is unique in that it has an enormous amount of geothermal energy. There were several deep coal mines in Springhill. Those coal mines are now filled with hot water. The coal mines are sealed off but they can be drilled into and the hot water accessed. It is geothermal energy. Virtually it can provide free heat in certain circumstances just for the cost of circulating the water. There is no energy cost as far as increasing the temperature of the water or any other energy costs, except to circulate the hot water.

That in combination with the natural gas would create a lot of low cost energy for that town. It would help economic development. It would help to attract investment, help to provide incentives for people and would cost nothing to the government. It would definitely bring jobs to that area.

We have just gone through this urgent situation this morning. On the way to the airport I checked the price of gas. Gas is down five cents a litre this morning from what it was on Friday. That is a tremendous fluctuation but it could go up again tomorrow the same as it went down yesterday. That instability is extremely difficult for people to handle.

If we are going to provide low cost energy to certain parts of the country it is completely unfair to say some communities are going to be able to operate at much less cost for energy and much lower overhead than other communities and businesses that cannot. They cannot compete. Those residents are going to have to pay higher energy costs. Small communities like Advocate, River Hebert, Joggins, Nappan and Northport in my riding will not get natural gas without the initiative that has been proposed by the NDP.

Completely aside from the economic issues are our Kyoto commitments. There are deadlines we have to meet on environmental standards. Projections are that instead of improving we are getting worse. Natural gas delivered to all communities in our country would help address those concerns. The last statistic I saw indicated that we will miss our target by 26%. In fact, we are already going the wrong way, which is an incredible problem for our country. We will now have to reverse our direction even more than before to catch up.

• (1200)

On the weekend I noticed that the auto industry is developing hybrid cars, which operate on gas, electricity and diesel fuel, to address the environmental issues. It is spending hundreds of millions of dollars because of environmental concerns. Again, natural gas could offset that problem in a quicker way because it is clean burning.

We in the Conservative Party will support the bill because it is in the interests of the consumer, the industry and economic develop-

ment. It will also help to develop our natural gas industry. It is in the interest the provincial and federal taxes. We will all be winners if this bill goes through.

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Madam Speaker, I want to begin by congratulating the member for Churchill for his motion and the fact that he gave thought and good judgment to such an important issue as natural gas in Canada and the great resource in industry which that represents.

Speaking of congratulations, I want to indicate that today is a landmark day. Premier Mike Harris is finally back to work in Ontario. This is the same Mr. Harris who spent a mere 41 days in 1999 in the legislature. It is good to see him back at work today. We congratulate him for finally getting back to work because it is important for him to do so.

The natural gas industry in Canada is a very important engine when it comes to resources in our great country. It seems to me that what we on this side of the House have done over the last while underscores the commitment of the Government of Canada when it comes to putting in place the kinds of economic indicators and well-being needed by people no matter where they live in Canada. I point to the fact that we have the deficit under control, interest rates are in hand and employment is growing at an all time record, at least within the last number of decades. There is still more work to do but the government has consistently and with great effort ensured that we have been able to do the kinds of things that were necessary for Canada.

I was thinking the other night that a mere five years ago the G-7 questioned our performance in terms of what we were doing. Now we really do have in place the kind of strength in the economy that is necessary.

Natural gas is a great resource base kind of economic engine that sustains Canadians in all kinds of matters. It is important that we give credit for that major engine growth, for its technological sophistication, for its new export opportunities and the kind of trade advantages that we have, especially within the integrated North American economy, vis-à-vis the natural gas industry. Needless to say, a great many communities across Canada and thousands upon thousands of Canadians benefit either directly or indirectly as a result of the kind of opportunities provided by this great energy sector.

As a result of the kind of money and profit that is made in this area, the Government of Canada and other governments benefit with public revenues flowing into the coffers. This sustains us and enables us as governments, either provincial, territorial or federal, to provide the services that are required by Canadians in all areas of this great country.

Why should we be optimistic about our future in this area? We really should be and we must be. The reason is quite simple. The

natural gas sector has demonstrated repeatedly that it has enormous management acumen. It has flexibility. It has a technological innovative side to it and a capital raising ability that is almost second to none in terms of engines of growth in Canada. We should be celebrating and congratulating all those involved because it really underscores one of the fundamental economic well-beings for Canada.

• (1205)

Let us take a look for a moment at some of the facts surrounding the natural gas sector and the industry. As has been pointed out a number of times by members opposite, this is a huge area in terms of the kinds of reserves that are built-in in Canada. There is enough to meet not only Canadian demand but export demand well into the future. That is another great shining light in terms of what it means for Canada and all Canadians.

I also want to point out by way of fact that the natural gas industry has demonstrated repeatedly that it can respond to changes quickly in an ever-changing and especially integrated North American market. It has the capacity to meet the growing demand not only of Canada but of the United States as well. We should again celebrate that fact.

Finally, Canada's energy policy framework has allowed the marketplace to demonstrate and determine energy prices and supply without undue government involvement. We should think about that because it really is important. When the free market system works, it often works very well in terms of supply, demand and ultimately how it sets prices. It really underscores the government's ability to leave unfettered an industry that should respond in a very systematic and appropriate way to the issues of supply and demand. I think we have seen over time that the system works well in this area.

As I have pointed out, we have a plentiful resource base, unbelievable resources in this area. We have growing markets and a favourable public policy framework.

By way of looking into the future, I think it is fair to say that we have an industry that is a shining example of good things to come. It is an excellent industry and there are tremendous advantages that will take us well into the next century because of what it is and how it should be best dealt with.

As has been noted—and other members have stated this as well—this is a convenient, efficient, safe supply of fuel. It is clean and it is effective. Faced with the difficult global challenge of climate change and energy consumption throughout North America from homeowners to major industrial users, we will likely be seeking less carbon intensive energy sources. Needless to say, natural gas fits that bill.

### *Private Members' Business*

Natural gas is also expected to be the fuel of choice for many of the electrical generation projects in North America. As a former chairman of Kitchener-Wilmot Hydro, I welcome that. I sat on the board for 10 years. In the production of electricity there is nothing better than electrical generation projects spearheaded by natural gas projects. I think that is important, and the country as a whole will benefit as a result.

I also want to point out that Canada's industry is well positioned to meet North America's growing need and demand for natural gas. Over the past decades, the changes in the gas sector have been, frankly, phenomenal. Price deregulation and the unbundling of transmission services have prompted compatible and competitive business environments.

As we all know, deregulation had an immediate effect on Canadian and North American energy markets. There was an immediate decline in the price of gas, which was good not only for consumers but for industrial users as well. Producers responded because lower prices required them to aggressively cut costs and rapidly expand export sales. The end result has been higher production volumes and, accordingly, increased revenues.

• (1210)

To accommodate the growth in export sales, huge capital investments were made into new pipelines. With the completion of projects like the Foothills northern border expansion, export gas pipeline capacity increased from 4.9 billion cubic feet per day in 1985 to over 10 billion cubic feet per day in 1998. That is, by any stretch of the imagination, phenomenal.

Later this year the alliance project will add over 1.3 billion cubic feet per day more to export capacity. Over the past 10 years Canadian gas exports to the United States have increased by 132%, from 1.3 trillion cubic feet to 3.1 trillion cubic feet annually. We are selling more natural gas to U.S. markets than ever before.

What it all means is that we in Canada are well positioned in this very important sector of the economy. It seems to me that we should proceed in the manner that we have been proceeding without going down the path of doing the kinds of things that the member for Churchill wants but rather proceeding in the fashion consistent with what we on the government side have been doing.

I urge all members of this great parliament to vote accordingly on this motion.

[*Translation*]

**The Acting Speaker (Ms. Thibeault):** The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

*Government Orders***GOVERNMENT ORDERS***[Translation]***MODERNIZATION OF BENEFITS AND OBLIGATIONS ACT**

The House proceeded to the consideration of Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations, as reported (with amendments) from the committee.

## SPEAKER'S RULING

**The Acting Speaker (Ms. Thibeault):** There are 172 motions in amendment on the notice paper concerning the report stage of Bill C-23.

*[English]*

Motions Nos. 2, 6, 8, 11, 17, 20, 25, 26, 29, 30, 34, 36, 40, 42, 45, 48, 51, 54, 57, 59, 62, 65, 69, 72, 77, 80, 83, 85, 92, 93, 97, 100, 103, 106, 111, 112, 114, 134, 136, 139, 141, 145, 150, 151, 152, 159, 162, 165 and 170 cannot be proposed to the House because they are not accompanied by the recommendation of the Governor General.

Standing Order 72(3) requires that notice of such a recommendation be given no later than the sitting day before the beginning of report stage consideration of a bill.

*[Translation]*

The other motions will be grouped for debate as follows:

*[English]*

Group No. 1: Motions Nos. 1, 3 to 5, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21 to 24, 27, 28, 31 to 33, 35, 37 to 39, 41, 43, 44, 46, 47, 49, 50, 52, 53, 55, 56, 58, 60, 61, 63, 64, 66 to 68, 70, 71, 73 to 76, 78, 79, 81, 82, 84, 86 to 90, 94 to 96, 98, 99, 101, 102, 104, 105, 107 to 110, 113, 115, 116, 135, 137, 138, 140, 142 to 144, 146 to 149, 153 to 158, 160, 161, 163, 164, 166 to 169, 171 and 172.

- (1215)

*[Translation]*

Group No. 2: Motions Nos. 14, 91, and 117 to 133.

*[English]*

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.

*[Translation]*

I shall now put Motions Nos. 1, 3 to 5, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21 to 24, 27, 28, 31 to 33, 35, 37 to 39, 41, 43, 44, 46, 47, 49, 50, 52, 53, 55, 56, 58, 60, 61, 63, 64, 66 to 68, 70, 71, 73 to 76,

78, 79, 81, 82, 84, 86 to 90, 94 to 96, 98, 99, 101, 102, 104, 105, 107 to 110, 113, 115, 116, 135, 137, 138, 140, 142 to 144, 146 to 149, 153 to 158, 160, 161, 163, 164, 166 to 169, 171 and 172 to the House.

*[English]*

## MOTIONS IN AMENDMENT

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP)** moved:

Motion No. 1

That Bill C-23 be amended by deleting Clause 1.1.

Motion No. 3

That Bill C-23, in Clause 1.1, be amended by replacing lines 8 to 10 on page 1 with the following:

“the word “marriage”.”

**Mr. Ken Epp (Elk Island, Canadian Alliance)** moved:

Motion No. 4

That Bill C-23, in Clause 1.1, be amended by replacing line 8 on page 1 with the following:

“the word “marriage” which, for the purpose of any federal law, means the lawful union of”

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance):** Madam Speaker, I rise on a point of order with respect to Motion No. 3. The member for Burnaby—Douglas moved the same motion at committee as a subamendment and the committee voted it down during the committee proceedings. Yet, here we are at report stage of Bill C-23 and the same motion is before the entire House. Marleau and Montpetit at page 668 reads:

A motion previously defeated in committee will only be selected if the Speaker judges it to be of such significance as to warrant a further consideration at report stage.

Marleau and Montpetit does not differentiate between amendments and subamendments. The important point is that it addresses the fact that any motion that is previously defeated in committee cannot be introduced as a report stage amendment. Only in an extraordinary situation should a motion defeated at committee be allowed to be moved at report stage. Beauchesne's describes this exception to the rule on page 212 as “special circumstances”.

There does not seem to be anything special or extraordinary about the procedure followed at committee or on Motion No. 3 itself. Motion No. 3 is no more or less significant than any other motion proposed at committee and amended or defeated at that time. It seems to me that Motion No. 3 should be ruled out of order in keeping with both Beauchesne's and Marleau and Montpetit. I ask you, Madam Speaker, to explain why Motion No. 3 is before the House today.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Madam Speaker, I rise on this point of order. As the mover of Motion No. 3, I want to make two points.

The first is that it is well within the discretion of the Chair to determine which motions, having been moved and defeated in committee, can subsequently be moved in the House. The standing orders are very clear. The practice in Beauchesne's as well as our

other guides are clear. This is a matter within the discretion of the Chair. I would argue that the Chair has exercised its discretion with wisdom in this particular case.

More important, I wonder whether the hon. member has gone on to look at Motion No. 4. Motion No. 4 is submitted in the name of his colleague, the member for Elk Island. That motion would amend certain words in clause 1.1. I will not read the proposed amendment in Motion No. 4, but that motion was put in precisely the same form as it is now being put to the House.

● (1220)

The Chair has ruled in these circumstances that it is in order to submit it to the House. I suggest that there cannot be one standard for the member for Burnaby—Douglas and another standard for the member for Elk Island. Perhaps the member might want to explain why the double standard.

**Mr. Chuck Strahl:** Madam Speaker, I rise on the same point of order. I do not want to engage in debate with the member for Burnaby—Douglas. Obviously we will get into that during the course of the bill.

With regard to Motion No. 4 it is not in the same form. It is a different motion than the one submitted by the member for Elk Island. I invite the member for Burnaby—Douglas to have a look at it. That aside, the member for Elk Island may have to defend his motion before the House as well later on.

Since I have been in this place it has been both our practice and is quite clearly in our rule books, including both Marleau and Montpetit and Beauchesne's, that motions which are defeated in committee are not reintroduced at report stage and then debated and voted on again in the House. Obviously there is a redundancy when we do that. It seems to me it is out of order to have that motion before the House.

Perhaps the Speaker has ruled that there is something extraordinary or something quite unique about the motion. If that is the case, I would love to hear it from the Speaker to understand why. My understanding to date is that the motion should be ruled out of order, and I would ask the Speaker to do so.

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Madam Speaker, I rise on the same point of order. I have some further citations to perhaps help the Chair. I am referring directly to Beauchesne's sixth edition, *Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, and specifically to page 211 thereof, paragraph 714:

A Note to Standing Order 76(5) adopted in 1987, instructs that the report stage is not meant to be a reconsideration of the committee stage of a bill. Instead, it is intended to be an opportunity for Members who were not members of the committee to propose specific amendments not dealt with by the committee.

### *Government Orders*

In this case the hon. member for Burnaby—Douglas was a member of the committee. His motion was dealt with by the committee. I would suggest that paragraph is definitive in ruling his motion out of order.

**The Acting Speaker (Ms. Thibeault):** I think the Chair has heard enough arguments on this point of order. At this point I would like to take the matter under consideration and the Chair will come back to the House as soon as possible.

**Mr. Tom Wappel (Scarborough Southwest, Lib.)** moved:

Motion No. 5

That Bill C-23, in Clause 2, be amended

(a) by replacing line 14 on page 1 with the following:

“(ii) marriage (being the lawful union of one man and one woman to the exclusion of all others)”, in the sense that one is”

(b) by replacing “marriage” with “marriage (being the lawful union of one man and one woman to the exclusion of all others)”, wherever it occurs throughout the Bill after Clause 2, with any changes that the circumstances require.

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance)** moved:

Motion No. 7

That Bill C-23, in Clause 2, be amended by adding after line 30 on page 1 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 9

That Bill C-23, in Clause 3, be amended by adding after line 7 on page 2 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 10

That Bill C-23, in Clause 3, be amended by adding after line 7 on page 2 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 12

That Bill C-23, in Clause 8, be amended by adding after line 42 on page 3 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 13

That Bill C-23, in Clause 8, be amended by adding after line 42 on page 3 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 15

That Bill C-23 be amended by adding after line 6 on page 10 the following new clause:

“26.1 Section 31 of the Act is amended by adding the following in alphabetical order:

“spouse” means either of a man or a woman who has entered into a marriage.”

*Government Orders*

## Motion No. 16

That Bill C-23 be amended by adding after line 6 on page 10 the following new clause:

“26.1 Section 31 of the Act is amended by adding the following in alphabetical order:

“marriage” means the lawful union of one man and one woman to the exclusion of all others;”

• (1225)

**Hon. Don Boudria:** Madam Speaker, I rise on a point of order. I believe you are in the process of reading a series of possibly 100 consecutive amendments, all proposed by the same MP.

In your earlier decision you indicated that a vote on Motion No. 7 would apply to a series of amendments, all in the name of the hon. member for Calgary Centre. Perhaps you could deem that entire list to have been moved, seconded and read, and members could then proceed with debating the motions instead of your reading the motions to us.

**The Acting Speaker (Ms. Thibeault):** Are we talking about all the motions in Group No. 1?

**Hon. Don Boudria:** I would suggest that you ask the House for consent to do that. It still gives the Chair the opportunity to rule later, pursuant to the interventions made, that one or more of these amendments could be out of order after the Chair has had an opportunity to consider some of the points raised earlier.

For the present time the entire Group No. 1 could be deemed to have been moved, seconded and read under the names that appear on the order paper. In that way we would perhaps save considerable time in the House.

**The Acting Speaker (Ms. Thibeault):** Is there agreement of the House to proceed in such a fashion?

**Some hon. members:** Agreed.

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance)** moved:

## Motion No. 18

That Bill C-23 be amended by adding after line 21 on page 10 the following new clause:

“27.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 19

That Bill C-23 be amended by adding after line 21 on page 10 the following new clause:

“27.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 21

That Bill C-23 be amended by adding after line 36 on page 10 the following new clause:

“28.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 22

That Bill C-23 be amended by adding after line 36 on page 10 the following new clause:

“28.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 23

That Bill C-23 be amended by adding after line 15 on page 11 the following new clause:

“29.1 Subsection 100(1) of the Act is amended by adding the following in alphabetical order:

“spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 24

That Bill C-23 be amended by adding after line 15 on page 11 the following new clause:

“29.1 Subsection 100(1) of the Act is amended by adding the following in alphabetical order:

“marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 27

That Bill C-23, in Clause 30, be amended by adding after line 23 on page 11 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 28

That Bill C-23, in Clause 30, be amended by adding after line 23 on page 11 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 31

That Bill C-23, in Clause 40, be amended by adding after line 3 on page 14 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 32

That Bill C-23, in Clause 40, be amended by adding after line 3 on page 14 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 33

That Bill C-23, in Clause 42, be amended by replacing lines 1 to 3 on page 16 with the following:

“42. (1) The definition “spouse” in subsection 2(1) of the Canada Pension Plan is replaced by the following:

“spouse” means either of a man or a woman who has entered into a marriage.”

*Government Orders*

## Motion No. 35

That Bill C-23, in Clause 42, be amended by adding after line 15 on page 16 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 37

That Bill C-23, in Clause 66, be amended by adding after line 32 on page 37 the following:

“(4) For the purposes of this Act, “spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 38

That Bill C-23, in Clause 66, be amended by adding after line 32 on page 37 the following:

“(4) For the purposes of this Act, “marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 39

That Bill C-23, in Clause 72, be amended

(a) by replacing line 18 on page 39 with the following:

“12. (1) In subsections 10(1) and 11(1), “com-”

(b) by adding after line 22 on page 39 the following:

“(2) For the purposes of this Act, “spouse” means either a man or a woman who has entered into a marriage, which is the lawful union of one man and one woman to the exclusion of all others.”

**Mr. Leon E. Benoit (Lakeland, Canadian Alliance) moved:**

## Motion No. 41

That Bill C-23, in Clause 72, be amended by adding after line 22 on page 39 the following:

“(2) For the purposes of this Act, “spouse” means either a man or a woman who has entered into a marriage, which is the lawful union of one man and one woman to the exclusion of all others.”

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance) moved:**

## Motion No. 43

That Bill C-23, in Clause 73, be amended by adding after line 39 on page 39 the following:

“In this paragraph, “marriage” means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 44

That Bill C-23, in Clause 73, be amended by adding after line 39 on page 39 the following:

“In this paragraph, “spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 46

That Bill C-23, in Clause 74, be amended by adding after line 8 on page 40 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 47

That Bill C-23, in Clause 74, be amended by adding after line 8 on page 40 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 49

That Bill C-23, in Clause 77, be amended by adding after line 28 on page 40 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 50

That Bill C-23, in Clause 77, be amended by adding after line 28 on page 40 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 52

That Bill C-23, in Clause 78, be amended by adding after line 19 on page 41 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

## Motion No. 53

That Bill C-23, in Clause 78, be amended by adding after line 19 on page 41 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 55

That Bill C-23, in Clause 84, be amended by adding after line 11 on page 43 the following:

““spouse” means either of a man or a woman who has entered into a marriage;”

## Motion No. 56

That Bill C-23, in Clause 84, be amended by adding after line 11 on page 43 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 58

That Bill C-23, in Clause 87, be amended by adding after line 13 on page 44 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 60

That Bill C-23 be amended by adding after line 39 on page 44 the following new clause:

“88.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“spouse” means either of a man or a woman who has entered into a marriage;”

## Motion No. 61

That Bill C-23 be amended by adding after line 39 on page 44 the following new clause:

*Government Orders*

"88.1 Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 63

That Bill C-23, in Clause 89, be amended by adding after line 22 on page 45 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 64

That Bill C-23, in Clause 89, be amended by adding after line 22 on page 45 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 66

That Bill C-23, in Clause 91, be amended by adding after line 43 on page 45 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 67

That Bill C-23, in Clause 91, be amended by adding after line 43 on page 45 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 68

That Bill C-23 be amended by adding after line 34 on page 46 the following new clause:

"96.1 Subsection 45(1) of the Act is amended by adding the following in alphabetical order:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 70

That Bill C-23, in Clause 99, be amended by adding after line 20 on page 48 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 71

That Bill C-23, in Clause 99, be amended by adding after line 20 on page 48 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 73

That Bill C-23, in Clause 106, be amended by adding after line 8 on page 54 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 74

That Bill C-23, in Clause 106, be amended by adding after line 8 on page 54 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 75

That Bill C-23, in Clause 111, be amended by adding after line 10 on page 56 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 76

That Bill C-23, in Clause 111, be amended by adding after line 10 on page 56 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 78

That Bill C-23, in Clause 116, be amended by adding after line 19 on page 57 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 79

That Bill C-23, in Clause 116, be amended by adding after line 19 on page 57 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 81

That Bill C-23, in Clause 122, be amended by adding after line 32 on page 58 the following:

"spouse" means either of a man or a woman who has entered into a marriage;"

Motion No. 82

That Bill C-23, in Clause 122, be amended by adding after line 32 on page 58 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"

Motion No. 84

That Bill C-23, in Clause 124, be amended by adding after line 30 on page 59 the following:

"(1.2) In subsection (1), "spouse" means either of a man or a woman who has entered into a marriage, which is the lawful union of one man and one woman to the exclusion of all others."

Motion No. 86

That Bill C-23, in Clause 125, be amended by replacing line 4 on page 60 with the following:

"employee's child, and"

Motion No. 87

That Bill C-23, in Clause 125, be amended by adding after line 4 on page 60 the following:

"(c) the spouse of the employee."

Motion No. 88

That Bill C-23, in Clause 125, be amended by adding after line 4 on page 60 the following:

"marriage" means the lawful union of one man and one woman to the exclusion of all others;"



*Government Orders*

## Motion No. 89

That Bill C-23, in Clause 125, be amended by adding after line 4 on page 60 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage;”

## Motion No. 90

That Bill C-23, in Clause 127, be amended by adding after line 37 on page 60 the following:

“4.3 For the purposes of this Act, ‘marriage’ means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 94

That Bill C-23, in Clause 139, be amended by adding after line 13 on page 67 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 95

That Bill C-23, in Clause 139, be amended by adding after line 13 on page 67 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage;”

## Motion No. 96

That Bill C-23, in Clause 147, be amended by adding after line 34 on page 68 the following:

“(1.1) Subsection 20(1.1) of the Act is amended by adding the following after paragraph (1.11):

(1.12) For the purposes of subsection (1.1), ‘spouse’ means either of a man or a woman who has entered into a marriage, which is the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 98

That Bill C-23, in Clause 148, be amended by adding after line 14 on page 69 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 99

That Bill C-23, in Clause 148, be amended by adding after line 14 on page 69 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage;”

## Motion No. 101

That Bill C-23, in Clause 153, be amended by adding after line 36 on page 70 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage;”

## Motion No. 102

That Bill C-23, in Clause 153, be amended by adding after line 36 on page 70 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 104

That Bill C-23, in Clause 159, be amended by adding after line 31 on page 72 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 105

That Bill C-23, in Clause 159, be amended by adding after line 31 on page 72 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage.”

## Motion No. 107

That Bill C-23, in Clause 170, be amended by adding after line 31 on page 76 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 108

That Bill C-23, in Clause 176, be amended by adding after line 25 on page 81 the following:

“(3) Subsection 2(1) of the Act is amended by adding the following in alphabetical order:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 109

That Bill C-23, in Clause 187, be amended by adding after line 25 on page 88 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 110

That Bill C-23, in Clause 187, be amended by adding after line 25 on page 88 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage.”

## Motion No. 113

That Bill C-23 be amended by deleting Clause 192.

## Motion No. 115

That Bill C-23, in Clause 192, be amended by adding after line 37 on page 91 the following:

“‘spouse’ means either of a man or a woman who has entered into a marriage;”

## Motion No. 116

That Bill C-23, in Clause 192, be amended by adding after line 37 on page 91 the following:

“‘marriage’ means the lawful union of one man and one woman to the exclusion of all others;”

## Motion No. 135

That Bill C-23, in Clause 210, be amended by adding after line 31 on page 100 the following:

“(3) For the purposes of this Act, ‘marriage’ means the lawful union of one man and one woman to the exclusion of all others.”

## Motion No. 137

That Bill C-23, in Clause 211, be amended by adding after line 24 on page 101 the following:

*Government Orders*

““spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 138

That Bill C-23, in Clause 211, be amended by adding after line 24 on page 101 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 140

That Bill C-23, in Clause 243, be amended by replacing line 21 on page 116 with the following:

“plan, means either of a man or a woman who has entered into a marriage, and includes a person who is a party to a”

Motion No. 142

That Bill C-23, in Clause 243, be amended by adding after line 29 on page 116 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 143

That Bill C-23, in Clause 243, be amended by replacing line 38 on page 116 with the following:

““époux” S’entend d’un homme ou d’une femme unis par les liens du mariage et de la personne”

**Mr. Ken Epp (Elk Island, Canadian Alliance) moved:**

Motion No. 144

That Bill C-23, in Clause 254, be amended by replacing lines 2 to 6 on page 120 with the following:

“254. (2) The definitions “joint and survivor”

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance) moved:**

Motion No. 146

That Bill C-23, in Clause 254, be amended by adding after line 33 on page 120 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 147

That Bill C-23, in Clause 254, be amended by replacing line 34 on page 120 with the following:

““spouse” means either of a man or a woman who has entered into a marriage and, in relation to an individual, in-”

Motion No. 148

That Bill C-23, in Clause 266, be amended by adding after line 7 on page 126 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 149

That Bill C-23, in Clause 266, be amended by adding after line 14 on page 126 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 153

That Bill C-23, in Clause 286, be amended by adding after line 29 on page 131 the following:

“(3.1) For the purposes of this Act, “marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 154

That Bill C-23, in Clause 288, be amended by adding after line 43 on page 132 the following:

“(4) For the purposes of this Act, “marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 155

That Bill C-23, in Clause 288, be amended by adding after line 43 on page 132 the following:

“(4) For the purposes of this Act, “spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 156

That Bill C-23, in Clause 291, be amended by adding after line 37 on page 133 the following:

“(a.1) For the purposes of this Act, “marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 157

That Bill C-23, in Clause 295, be amended by adding after line 32 on page 134 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 158

That Bill C-23, in Clause 295, be amended by adding after line 32 on page 134 the following:

““spouse” means either of a man or a woman who has entered into a marriage;”

Motion No. 160

That Bill C-23, in Clause 298, be amended by adding after line 38 on page 135 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 161

That Bill C-23, in Clause 298, be amended by adding after line 38 on page 135 the following:

““spouse” means either of a man or a woman who has entered into a marriage;”

Motion No. 163

That Bill C-23, in Clause 303, be amended by adding after line 31 on page 137 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 164

That Bill C-23, in Clause 303, be amended by adding after line 31 on page 137 the following:

““spouse” means either of a man or a woman who has entered into a marriage;”

*Government Orders*

Motion No. 166

That Bill C-23, in Clause 311, be amended by adding after line 14 on page 139 the following:

““spouse” means either of a man or a woman who has entered into a marriage;”

Motion No. 167

That Bill C-23, in Clause 311, be amended by adding after line 14 on page 139 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others;”

Motion No. 168

That Bill C-23, in Clause 315, be amended by adding after line 12 on page 141 the following:

“(3) For the purposes of this Act, “marriage” means the lawful union of one man and one woman to the exclusion of all others.”

Motion No. 169

That Bill C-23, in Clause 315, be amended by adding after line 12 on page 141 the following:

“(3) For the purposes of this Act, “spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 171

That Bill C-23, in Clause 317, be amended by adding after line 19 on page 143 the following:

““spouse” means either of a man or a woman who has entered into a marriage.”

Motion No. 172

That Bill C-23, in Clause 317, be amended by adding after line 19 on page 143 the following:

““marriage” means the lawful union of one man and one woman to the exclusion of all others.”

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Madam Speaker, I rise at this time to speak to Motions Nos. 1 and 3 which are in my name on behalf of my colleagues in the New Democratic Party and to speak in opposition to the remaining motions in Group No. 1.

When I rose at second reading on Bill C-23, the bill which is now before the House at report stage, it was to congratulate the government on recognition of the committed loving relationships of gay and lesbian people and to congratulate the government on recognizing that instead of fighting statute by statute in the courts it would do the right thing and extend equal benefits and equal obligations to gay and lesbian people involved in relationships.

I noted at the time that while the bill extended significant equality there were still some remaining steps on the road to full equality, that the provisions of the immigration law and regulations must be clarified to recognize gay and lesbian relationships. I pointed out as well at that time that the federal common law which

denies the right for gay and lesbian people to marry is still clearly in my view discriminatory.

• (1230)

The minister spoke shortly before me at second reading. She spoke eloquently about the importance of equality and, with equal passion, she made it clear that Bill C-23 had nothing whatsoever to do with marriage or the definition of marriage.

That same minister appeared before the justice committee at the first hearing of the justice committee on February 29 and she was clear and unequivocal. In response to a question from a member suggesting that perhaps there might be a definition of marriage included in the bill, the minister said “There is no need to put it in here because this does not deal with the institution of marriage. There is legislation, the Marriage Act, which deals with the institution of marriage, but this does not and I do not think it would serve society well to confuse the two in this legislation”.

What we have seen is a shameful collapse by the Minister of Justice to the pressure of her own backbenchers, the so-called family caucus in the Liberal Party, which some have called the dinosaur wing of the Liberal caucus, working in coalition, in this unholy alliance, cete coalition incroyable, between the Reform Party on the one hand and the Liberal Party on the other.

It is no surprise that many of the Liberals who have spoken out against the bill are the same Liberals who spoke out against equality in the Canadian Human Rights Act. I see the member for Scarborough Centre here. He has been very clear. He does not believe in equality. He voted against it in the human rights act and he is voting against this bill as well.

What we have seen is a response by the Liberal justice minister, a quite shameful and cowardly response by the justice minister, to a campaign of fear, of distortion, of lies by too many people in the public and those, in some cases, in the House.

I got a press release from the member for Yorkton—Melville. He said that Bill C-23 should be renamed the death of marriage act. This is from a Reform Party member. I am sorry, it is the Canadian Alliance now. They say they have changed, but I ask you, have they really changed when we hear this? Here is what the Canadian Alliance member had to say: “In the 1950s buggery was a criminal offence. Now it is a requirement to receive benefits from the federal government”.

That statement was made by the Canadian Alliance/Reform Party member. I suppose it is no surprise when one of the leading candidates for their leadership, Stockwell Day, talked last week about homosexuality as a choice. I guess that a person would pour milk on their breakfast cereal one morning and decide “Hey, I

*Government Orders*

think I am going to be gay". Or, "I think I am going to be straight". That is a brilliant analysis by Stockwell Day, the same person who referred to homosexuality as a mental disorder. I guess we should not be surprised that this kind of amendment would come from the Reform Party.

What is absolutely shameful is that the Liberal members would support it, and not only support it but initiate that particular amendment, and that they would do this without any consultation whatsoever. The national lobby group ÉGALE, Égalité pour les gais et les lesbiennes, Equality for Gays and Lesbians Everywhere, voiced their anger and concern that after they testified in good faith before the justice committee, relying on the representation of the minister that marriage was not an issue addressed by the bill, the repeated statements by the minister that this was not something we had to deal with, ÉGALE did not in any way respond to this campaign of fearmongering and homophobia. ÉGALE felt a sense of betrayal when the minister introduced this bill, as indeed I and other members felt. They said that in fact the proposed amendment before the committee fundamentally altered the tenor, purpose and potentially the constitutionality of the legislation.

• (1235)

What this amendment effectively does is to send a signal to gay and lesbian people that our relationships are inferior, that they are not as committed, not as loving and not as worthy of recognition in the eyes of the law as all other relationships. That, in my view, is a shameful concession to the forces in the Reform Party who have argued that point.

I want to make it very clear that there were some members of the Liberal Party who spoke out against this in committee. The member for St. Paul's spoke eloquently. It will be interesting to see how other Liberal members vote on this amendment, how the member for Toronto Centre—Rosedale, the member for Vancouver Centre and others will vote on this issue of fundamental equality.

[*Translation*]

I also wish to thank the hon. member for Hochelaga—Maison-neuve for his support to the amendment. I know that one quarter of the Bloc Québécois members have even voted against the principle of this bill, which is highly regrettable, but the hon. member for Hochelaga—Maison-neuve has supported the amendment.

[*English*]

Let us be clear what this is about. This is the first time in a federal statute that we are defining marriage in a way that would exclude gay and lesbian people from access to marriage.

The current definition of marriage is one that dates back to an 1866 decision of the British courts, back to a time when marriage had a very particular meaning. For example, in 1866 men were

allowed to beat their wives as long as they used a stick that was no wider than their thumbs. That was the definition of marriage then.

Marriage was for life. We know that many argued that divorce would somehow be the end of marriage. We have heard since then other alleged threats to marriage, such as contraception. Interracial marriage was only struck down in the U.S. in 1967, and 19 states had laws on the books in 1967 barring interracial marriage.

I have to ask, what is the threat? Is marriage such a fragile institution that if we allow the choice, and I emphasize that, the choice of gay and lesbian people to marry, that somehow it will collapse like a house of cards? I do not think so.

I want to be very clear that I speak today on behalf of my colleagues in the New Democratic Party in support of access of gay and lesbian people to marriage. I believe that this amendment of the government will be found to be unconstitutional and in violation of the charter of rights and freedoms. Indeed, an eloquent dissenting judgment of Judge Greer in the case of Layland and Beaulne struck down the definition. The government did not make any meaningful attempt to defend it in committee.

The Canadian public in an Angus Reid poll in May of last year showed that a majority of the Canadian public support this recognition. The Netherlands is moving ahead.

I urge all members of the House to rise above intolerance and homophobia, to reject the campaign of fearmongering, to appeal particularly to Liberal members to do the right thing, to recognize the diversity of Canadian families, to recognize that our relationships as gay and lesbian people are just as loving and just as committed, and that we should have that choice. To deny us that choice is not only deeply offensive and demeaning, but I believe is unconstitutional as well.

For that reason I proposed an amendment to delete the definition of the government, or at the very least to delete the words after "marriage", to ensure that that opportunity would be available for gay and lesbian people to marry.

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, I am very pleased to address the House today, in particular with respect to the amendment which I have proposed, Motion No. 5.

However, I begin my remarks by noting in passing that the hon. member who spoke just before me began his remarks by trying to say that this bill has nothing to do with marriage, and then spent the next nine minutes of his speech telling the House why gays and lesbians should be able to marry. Clearly this bill has something to do with marriage. That of course is why people were concerned about the institution of marriage as they had always known it. That is why numerous witnesses appeared before the justice committee to express their concerns. That is why thousands of people have contacted their members of parliament to express their concerns.

*Government Orders*

• (1240)

What has the government done in response to that? It has addressed the concerns of the people who have contacted the House of Commons. It has done so, I would say, a bit late, but better late than never.

What has the government done? It has not done anything radical. It has not done anything unusual. It has simply restated what most people in this country know to be the definition of marriage. It has restated it in clause 1.1 of the bill, which is worth referring to. It reads:

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.

That is exactly what marriage is and that is what I would argue marriage should remain. I believe I speak for the vast majority of my constituents when I make that statement.

My amendment is a very specific amendment. It states that wherever the word "marriage" appears in Bill C-23, immediately after that word the definition of marriage should be placed in parenthesis, namely, "the lawful union of one man and one woman to the exclusion of all others".

Why have I brought this amendment in view of clause 1.1 moved by the government in committee? I guess we are talking technicalities. This is the way I view it. Bill C-23 is an omnibus bill. The sole purpose of the bill is to amend 68 statutes of the Government of Canada.

Once Bill C-23 becomes law, as I am certain it will, the 68 statutes that it seeks to amend will be amended. In effect, therefore, the function of Bill C-23 will have been completed. All of the parts of Bill C-23 deal with other acts. They command that those other acts be amended. Once Bill C-23 becomes law, all of the sections which command that other sections of other acts be changed will be changed.

In effect, Bill C-23 will have served its purpose and will be legally spent, except for clause 1.1, which will remain all by itself, in what I term a ghost law; a law with only one section, having completed its task. That ghost law will remain a law but will soon be forgotten. It will not be reproduced in the revised statutes of Canada. It will not be before parliamentarians on a daily basis. It will not be before adjudicators, administrators, functionaries, bureaucrats and, most importantly, it will not be before judges on a daily basis.

However, if we add the definition that is in clause 1.1 as a parenthetical definition after the word "marriage" wherever it appears in Bill C-23, then as Bill C-23 amends each of these acts that definition will be carried into each of those acts, so that judges,

administrators and parliamentarians, when they are dealing with specific sections of a pension bill, the Income Tax Act, the Judges Act, the Members of Parliament Retiring Allowances Act, or whichever act it is of the 68 statutes involved, that definition would be front and centre before these people who are dealing with these acts on a daily basis. Otherwise, it would be out of sight, out of mind.

• (1245)

My amendment adds the exact words from clause 1.1 as a definition after the word marriage in each and every place where it appears in Bill C-23. It does nothing more.

I noticed the member who spoke before me used his familiar tactic, in that he attempted to demonize those who disagree with him. He used his usual pejorative words such as "dinosaurs" and "unholy alliance". This is a favourite tactic of those who have no real argument; it is not to attack the argument but to attack the person making the argument.

I cannot say it any better than Hartley Steward who wrote a column in the *Sun* on Sunday, April 2. I would like to read his take on this kind of attempt to demonize those who disagree with the legitimization of same sex marriage:

The shame is threefold.

First, in this fashion, extremists steal from all Canadians the agenda of political campaigns and make impossible a thoughtful and useful discussion of a broad range of issues. In their mindless way they take from us the ability to address the issues, like health care, which need our attention.

Indeed, they make it impossible for us to enjoy the practice of democracy.

This is not an accident. It is by design. It is vital for them to make primary only issues on their agenda and to attach despicable motives to those who hold honest beliefs on the side opposite theirs. It is a victory for their side if they can demonize those who hold different views; if they can characterize them as bigots, tyrants and dangerous people.

Then they need not debate the issues. Listen to the juvenile chants and you will realize how futile it would be for them to engage in debate with people who can actually think in sentences and employ logic in their arguments.

Homosexuality and how a society can and should deal with it is a debatable issue. Homosexuality itself, its cause and effect, is still a debatable issue. It has been since the time of Socrates. It is not good enough, nor does it serve society well, to demonize anyone who asks a question or holds a contrary view.

But if you can demonize someone, convince the world he asks the question because he is an evil person, why the argument is won.

To chant, red-faced and hysterically, "anti-choice" at someone who is against abortion is again the tactic of those who care nothing for democracy, and would frustrate it in a moment to gain their ends.

That is what we see when people do not like to hear the kinds of comments for example that I am making. I allow that in a democracy everybody has the right to make the comments that they wish to make without having to be called names. It is

*Government Orders*

ultimately up to the people of Canada in the House and through elections to decide what direction they want their country to take. Enough of this name calling. Let us just deal with the issues.

For my part, I advised the government that in my view the best way to have approached the protection of marriage as we have always known it was to amend the Marriage Act and the Interpretation Act. Unfortunately that advice was not followed. Rather we have this unfortunate way of introducing it as an afterthought in Bill C-23, but as I say, better late than never.

I ask the House to support my amendment which is that the definition of marriage be carried as a definition wherever marriage appears in Bill C-23. That definition is the common law of Canada. It is the position of the Government of Canada. It is the position of the House of Commons as decided on June 8, 1999. It is the position of Bill C-23. For those reasons, I ask that my amendment receive favourable support.

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance):** Mr. Speaker, what does Bill C-23 do? Bill C-23 gives every benefit previously reserved for married couples to any two people, opposite or same sex, who live together for one year in a conjugal relationship.

• (1250)

The bill does not define conjugal relationship anywhere, so it leaves that wide open. I will not focus on that too much today but it is one of our concerns.

I want to go on to point out that the bill came into being by the Department of Justice bureaucrats who worked on the bill. They informed us that they searched all the federal statutes for the terms "marriage" and/or "spouse" and inserted a new definition for the term "common law partner" so that two people of the same sex would be considered the same as married as far as public policy goes.

I did ask the justice minister in committee if there was any difference in the treatment of married and same sex couples in Bill C-23. She did mention one, that married couples still have to get divorced. I do not know what people in same sex relationships do. Perhaps they walk out the door when it is over. It is not clear from the bill.

Bill C-23 also redefined in statute "related persons" in clause 9. It redefined family in clause 134. It redefined it from those connected by blood, marriage or adoption to a new definition which includes two people of the same gender in a same sex or homosexual lifestyle.

Public pressure against the bill has been enormous. Some members of all parties have received more e-mails, faxes, letters and phone calls on this issue than on any other issue this session.

People from coast to coast overwhelmingly do not want the bill to go ahead. Petitions against the bill are coming into my office at a rate of almost 1,000 signatures a day.

It is also ironic that 10 short months ago the Liberal government voted in support of a Canadian Alliance motion to ensure that parliament "take all necessary steps to preserve the definition of marriage as a union of one man and one woman to the exclusion of all others". Now the Liberals have brought forward Bill C-23 as their first priority, which gives every marriage and family benefit to two people of the same gender in something called a conjugal relationship.

With Bill C-23 the Liberals have removed any unique public policy recognition of the institution of marriage and have set the stage for the courts to endorse homosexual marriage in Canada. It is no wonder that the people of Canada are reacting. The Liberals said they would strengthen the definition of marriage in law and that they would make it their first priority. They said that but they have done just the opposite.

Because of the high public pressure the justice minister was under, she fought her bureaucrats and had an amendment included at the very beginning of the bill, right after the title, that is meant to reassure Canadians that the bill will not affect the meaning of the word "marriage". Do not be deceived. The justice minister's amendment will not appear in a single one of the 68 statutes that Bill C-23 is changing. It will not appear in Canadian law.

After reviewing the wording of the justice minister's amendment in clause 1.1 of Bill C-23 and the location of it in the bill, a legal analysis was done by David M. Brown, an experienced charter lawyer from one of the largest legal firms in Canada. In the lengthy analysis, the leading Canadian text on statutory interpretation, Driedger on the *Construction of Statutes*, was extensively referred to. Some previous case law was also considered.

The conclusion of this professional, legal analysis from a prestigious and respected law firm in Toronto was as follows:

[The justice minister's amendment] is not an enacting provision of the bill; it does not operate to amend any of the particular acts referred to in the bill by including a definition of the word "marriage". Passage of a version of Bill C-23 which includes [the minister's amendment] will not result, as a matter of law, in any of the specific bills containing a definition of "marriage".

Parliament took a position 10 months ago in support of a motion by the Canadian Alliance to take all necessary steps to secure the definition of marriage in law. That is why we have moved amendments to each of the 68 statutes to include a definition of marriage and spouse in each of the statutes. By including an enacting definition in the laws of Canada it would, in the words of expert legal opinion, make a difference that would mean that if the bill was amended to enact a definition of marriage for each of the particular acts referred to in the bill, then parliament would be

giving a clear indication of its intentions to the courts and the public at large.

• (1255)

That is what parliament resoundingly said it would do in June 1999. That is what the public wants us to do. For goodness' sake, why is the Liberal government not doing it?

Bill C-23 repeatedly places in statute the definition of common law partner to include those involved in a homosexual lifestyle. If these definitions can be repeated throughout the statutes, is it not reasonable to have a marriage definition also defined in the statutes? That is exactly what our amendments call for.

If the purpose of the justice minister's amendment is to give "greater certainty" that marriage is a lawful union of one man and one woman to the exclusion of all others, why leave it outside the affected statutes and laws? Why not make it certain and support the Canadian Alliance amendments that put the definition of marriage in the statutes of Canada?

The Liberals' approach of leaving marriage outside of the same sex benefits bill is misleading. It does not really achieve anything. It is misleading because it gives the impression that the one man and one woman definition of marriage has been secured when in fact it has not been, not by parliament.

I will quote again from this leading legal expert:

If parliament intends to state that, as a matter of federal law, "marriage" is the "lawful union of one man and one woman to the exclusion of all others", then in my opinion, [the minister's amendment] does not achieve that objective. As previously stated, [the minister's amendment] is not an enacting section; it will not bring into force any legally binding definition of "marriage".

By contrast, if the bill was amended to enact a definition of marriage for each of the particular acts referred to in the bill, then parliament would be giving a clear indication of its intentions to whom? To the courts and to the public at large. The public have been making us very aware that they are concerned about this issue.

Marriage means something to Canadians and that is why we have brought this forward. Canadians know that marriage is good for kids. It works for families. Government policy should serve to strengthen it instead of undermining it like Bill C-23 does. To my hon. colleagues in the House who supported a motion that they voted for in June 1999 to secure and strengthen the definition of marriage, do not vote against marriage now. Support the Canadian Alliance amendments that state clearly in law what marriage is and in fact should remain.

In committee the justice minister told us that initially this bill had nothing to do with marriage, but it is clear from her amendment that it does affect marriage. It gives every single benefit that is currently available for married couples and families to people of

### *Government Orders*

the same gender in what is called a conjugal relationship. That is the second part of our concern about the bill. Nowhere in the bill does the government define who qualifies. It simply says a conjugal relationship.

People are wondering if this bill goes ahead whether or not they are able to participate in what the bill offers. It is irresponsible for the House to pass legislation that is unclear and defers to the courts to make assessments as to who and who does not qualify.

We have asked repeatedly is private physical intimacy between two adults contingent upon qualifying for these benefits? A conjugal relationship implies that. The term implies that there must be some sort of marriage-like sexual activity going on between two people. That is what the dictionary says. We have asked whether that is part of what Bill C-23 requires. We cannot get an answer. This is unclear. It is the second problem we have with the bill.

I appeal to members opposite to support the amendments that make it clear in law for all Canadians that marriage will remain the union of one man and one woman regardless of what may come down from the courts and respect the will of the Canadian people.

• (1300)

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, it is with great pleasure that I rise to take part in this debate at report stage. I want to point out that this is a bill that I am very happy to support. As the member for Québec knows, my conviction is all the greater for having introduced private member's bills proposing the same debate myself on four occasions since 1994, as is our prerogative.

I believe that report stage should make possible a number of clarifications. The first thing that needs to be clarified is that this bill has nothing to do with marriage, contrary to what members of the Canadian Alliance would have us think. Even the minister, in her evidence before the parliamentary committee when we began consideration of Bill C-23, started out by saying that the bill has nothing to do with marriage.

I will have an opportunity to come back to this during my speech, particularly at third reading, but this is a bill the purpose of which is to do something about the inequities and discrimination faced by members of the gay community, gays and lesbians, in recent years.

An examination of the bill reveals that it contains hundreds of clauses and concerns 68 statutes. That is a lot. In the history of parliament, few bills have had the effect of amending 68 laws applying to various departments at one go.

What does this bill propose? First, it is in line with decisions made by the courts. I think our colleagues in the Canadian Alliance have a bit of a hard time understanding that.

*Government Orders*

We have a parliamentary system that distinguishes between the executive, judicial and legislative powers. Nevertheless, all are subject to the Canadian charter of human rights. Despite the battle waged at the time by the young member for Burnaby—Douglas to have sexual orientation included in section 15 as a prohibited ground for discrimination, it was not.

The lawmakers did not listen to the member for Burnaby—Douglas, it will be recalled. That is why a number of people had no choice but to turn to the courts.

Along the way, the supreme court handed down decisions providing that we should consider that section 15 provided specific reference to sexual orientation as a prohibited ground for discrimination, but it was not enough to afford full recognition to gays and lesbians.

A coalition was formed at the initiative of the group known as EGALE. It made representations and took the matter of the discriminatory nature of the failure to recognize same sex partners to the various courts of justice. The bill before us, presented by the Minister of Justice, will rectify the situation.

It is hard to imagine the impact of this bill on all aspects of life. It affects employment insurance. The law provides that when one partner in a heterosexual relationship moves the other partner may follow without penalty and without disqualification from receiving employment insurance benefits.

• (1305)

The bill deals, of course, with income tax. It continues the harmonization process undertaken last year, following the Rosenberg case. Members will remember that the court of appeal forced the Minister of Finance to amend the Income Tax Act, because it was discriminatory.

This bill also amends a very important tool, namely the Criminal Code. The Criminal Code defines a number of guarantees that must exist in a common law partnership or in a marriage concerning the provision of essential goods.

Again, Bill C-23 amends 68 different statutes, it concerns 20 departments and it confirms a recognition that parliament should have granted many years ago. Ten years went by between the time the first piece of legislation recognizing same sex spouses was passed and the bill now before us.

There is a problem in how Canadian Alliance members approach this debate. That problem is primarily due to their sterile stubbornness, their narrow-mindedness in that, for the Canadian Alliance, the homosexual reality undermines the family reality.

There can never be too many of us to explain to Canadian Alliance members that the homosexual reality does not in any way undermine the family reality, since we do not choose to become

homosexuals. One simply discovers that one is a homosexual and the choice then becomes to either accept it or not. But once a person has discovered and accepted the fact that he or she is a homosexual, there is no reason to say that homosexuals are not part of families, that they cannot build families, or that they cannot enjoy the full protection provided by the legislation as a whole.

Incidentally, this bill has nothing at all to do with marriage. Why? First, because the definition of marriage is not enshrined in an act. The definition of marriage is to be found in the common law, in the rulings made by the courts. What exists regarding marriage are provisions on accepted or prohibited degrees, provisions which specify that this person cannot marry that person, because of the blood relationship that exists between them.

Let us be clear, the bill we have before us not only has nothing to do with marriage, it also has nothing to do with adoption. Why is that? Because adoption does not come under federal jurisdiction, it is provincial. To give the example of my province of birth, the Civil Code sets out the procedures for adoption.

Moreover, in civil law there is no obstacle to adoptions by homosexuals. The only obstacle is that if someone is in a couple relationship, and his or her partner adopts a child, the partner living with the adopting parent will not have parental status, in the eyes of the law, because adoption is on an individual basis.

Let us look briefly at the reality of a conjugal relationship. The bill we have before us today is an omnibus bill. It arises out of the supreme court judgment in *M. vs. H.*, which dates back to May 20, 1999, as hon. members will recall.

As it has been indicated to me that I do not have much time left, I will conclude by saying three things to my colleagues. I trust that, when the bill is voted on at third reading, all hon. members will rise and this bill will be passed as close to unanimously as possible. This is a bill of reparation, a bill that consecrates a fundamental value of our system, namely the equality of all individuals.

• (1310)

It is impossible to make reference in the wording of legislation to individual equality, on the one hand, while continuing, on the other, to call for consistent discrimination by not recognizing same sex partners.

I have strong hopes that parliamentarians will understand that this bill has nothing to do with marriage, but with equality of treatment, and that many of us will support the government in this excellent initiative.

[English]

**Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, Bill C-23 extends to common law, same sex relationships, the same



*Government Orders*

benefits and obligations already granted to common law, opposite sex relationships under federal law.

The bill also extends to common law partners some of the remaining obligations and a few remaining benefits of more limited applications currently limited to married couples.

The debate so far this afternoon has dealt with the issue of marriage. We keep saying that Bill C-23 is not about marriage. Notwithstanding, I will address some of the concerns expressed.

It is not necessary to add a definition of marriage to each individual statute in Bill C-23. The government has already amended the bill to add an interpretive clause that accomplishes the same result. The legal definition of marriage in Canada is already clear in law. It has been successfully defended and upheld by the courts.

On March 22 the Government of Canada tabled an amendment to Bill C-23. The amendment confirms the Government of Canada's commitment to the institution of marriage by reaffirming that marriage is the lawful union of one man and one woman to the exclusion of all others. That was stated in the motion passed by the House of Commons last year. This clarification fully preserves the integrity of the bill while ensuring that it addresses the concerns of Canadians.

As we have stated before, nothing in this bill affects the definition of marriage. This bill is not about marriage. This amendment reflects this fact. This amendment will not change the law or the legal status of marriage. However, Canadians have made it clear that they want some assurance that there will be no change to the institution of marriage, and that is what we are doing through this amendment.

As we have said time and time again, Bill C-23 is about fairness. It will extend equal treatment for benefits and obligations to same sex couples on the same basis as common law, opposite sex couples.

The importance of marriage is not something derived from the law but from society itself, the men and women who make that commitment. It is clearly evident in that some 20 years after a majority of the benefits applied to marriages were extended to common law, opposite sex relationships, people are still getting married and do so in significant numbers.

It is also wrong to suggest that marriage will not continue to have a special status in law after this bill. For example, unlike common law couples, married people have a marriage certificate to prove their relationship and they are given extra protection by being considered to be in that relationship until the day it is dissolved by divorce.

To say that there is nothing left for marriage except for a divorce is clearly wrong. Several statutes and provisions retain distinctions

and treatment that are directly connected to the legal difference between marriage, a de jure relationship, common law relationships and de facto relationships. These distinctions will be maintained in federal law.

The definition of marriage, as we will keep repeating, as contained in federal common law will not be modified. A married relationship has effect for benefits and obligations under federal law as of the first day that the marriage is registered. Common law relationships are established as a question of fact; that is that a reasonable period of cohabitation is required before the relationship has effect for the purposes of benefits and obligations. At the federal level this period of cohabitation is one year.

There is also a difference with regard to the legal treatment of separations. Because marriage is a legal relationship, where married spouses are separated their relationship still exists in law until the marriage is dissolved in divorce. This provided additional protection under the federal law for purposes of benefits and obligations.

Common law relationships, however, as a fact based relationship, end on separation. For example, several Treasury Board statutes related to survivors' benefits, such as the diplomatic service, the special Superannuation Act and the Lieutenant Governor's Superannuation Act, provide for the apportionment of the survivor benefits in those few cases where there may be two survivors: a legally married separated spouse and subsequent common law partner. These provisions do not apply to separated former common law partners.

The Divorce Act also contains a series of protections for married couples who separate and divorce. Similar protections for common law couples within the provincial jurisdictions are generally less favourable.

• (1315 )

As one example, the federal Divorce Act provides for the division of marital property which is not available in any provincial legislation for common law couples who must instead apply to the courts for a judgment in equity of unjust enrichment. Similarly, provisions allowing for spousal and child support generally afford greater protection to married couples on relationship breakdown.

The government has a duty to guarantee the fundamental rights and freedoms of all Canadians. Courts have clearly found that same sex relationships of some permanency have many of the same issues of support, dependency and obligation as heterosexual couples and have indicated that it is necessary for the government to act under the Canadian Charter of Rights and Freedoms. Bill C-23 does this.

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Madam Speaker, I want to focus my remarks, in opposition to Bill C-23, on three main areas. I will begin by stating that I do

*Government Orders*

not support the amendments proposed by the member for Burnaby—Douglas, but I do support the amendments proposed by my colleague from Calgary Centre who attempts to strengthen a very severely flawed bill.

I will begin by making a broad overview of the philosophical underpinnings of the bill to explain the divide on this topic. The second area I want to focus on is what I call the language game being used by the justice minister and by some who support Bill C-23. I will conclude by mentioning some of the implications for proceeding along this path.

Why is the whole issue of same sex benefits such a hot topic? Is it simply because sex sells, as all good marketers know? I suggest that there is another more important reason why this topic strikes such an emotional chord. It is because this is an issue that forces people to confront their own philosophical core beliefs. The guiding philosophy of our day and our society, I would propose, is something called personal subjective relativism.

Some might wonder what I mean by this term. Let me explain it in terms that are familiar to all, which is the philosophy that “what is right for you is right for you, what is right for me is right for me”. I would define that as relativism. That seems to be the guiding philosophy of our day.

Let us take a look at this philosophical stance. At its core, the philosophy holds that man is the measure of all things and that there are no transcendent absolute truths. Truth is relative. One can pick out his or her truths, much like picking out items from a buffet or choosing a particular flavour of ice cream from his or her favourite ice cream parlour. On the face of it, this seems a reasonable way to proceed to those who espouse this philosophical stance. Many espouse to this stance without understanding that they themselves hold to this belief. They tacitly hold the belief, that is, they have it without really knowing on the face of it, that this is what they believe.

Many people would say “Yes, this is how I confront issues when confronted with issues”. That is all fine and good. The difficulty arises when people hold to such a view that their buffet plate of beliefs or their favourite ice cream cone of core issues is the one that everyone else should also choose. It is this difficulty which leads those who are relativists to have these kinds of conversations with others, those who may even be absolutists. They might say things such as “There are no such things as absolutes. Truth is relative”. Some might say, in response to them, “Really?” The relativists would respond “Yes, indeed and those who claim that there are absolutes are simply attempting to impose their morality on me”. “Oh, really”, would say the absolutist. “Yes there are no absolutes,” claims the relativist. In response, “So, is that an absolute that there are no absolutes?”

The house of cards argument falls in on itself. A person who espouses that there is no such thing as an absolute and there are no

truths falls on their own petard, philosophically speaking, with stating this is the case. How can they claim that something is right or better than another thing when there is no such thing within their own definition of what is right and what is wrong?

That is a position that the government is squarely placed in, in proceeding on the pathway with this bill, Bill C-23.

• (1320 )

Those who say there are no truths proceed quite comfortably to impose their own moral view or philosophical view on others, even when shown that they are holding to a self-defeating perspective. If one is a true relativist, why would he or she care if someone holds to an absolutist point of view? Should not anyone be free to choose their own perspective?

Some have tried to make Bill C-23 a religious issue. Proponents of Bill C-23 can use this tactic to paint opponents of Bill C-23 as religious extremists. They can marginalize it or minimize the opposition by saying that this is just a certain segment of society who are backward in their thinking and that we do not have to listen to them.

I would say that it is this philosophical divide that crosses religious boundaries. There are those, who would call themselves religious, who support Bill C-23, and those, who are not religious at all, who oppose Bill C-23. It is for this very reason that there is a philosophical difference in approach to the notion of same sex benefits before us, and on other issues as well.

For example, I have received hundreds of letters and phone calls opposing Bill C-23 from a wide cross section of constituents. I have received less than 10 letters and phone calls supporting Bill C-23. However, I do want to note one comment made by an ordained Reverend, Rev. Ken Baker from All Saints Anglican Church in Mission. He says “I wish you to note that I am in favour of Bill C-23 and I wish you to express my viewpoint in the House”. I make the argument that there are religious people who support Bill C-23. I would not include myself in that category. This is a man who wanted that on the record and it is now on the record.

Bill C-23 presents an issue before us that is not a religious divide. It is a philosophical divide between a relativistic perspective and an absolutist perspective. An absolutist is a person who believes that there are truths that can be known and on these truths the foundations of right and wrong within a society are built.

To summarize, the Liberals are saying to Canadians that there are no absolutes, that this bill is the right way to proceed. They then go on to argue as if there are absolutes and that this is the very reason why people should accept Bill C-23.

The minister and members have used terms such as this bill is the right thing to do, it is about equality and fairness, when it is

really about something else. It is about those Liberal members on the other side imposing their moral perspective on Canadians.

This brings me to the second part of my discussion today, which is a tactic being used by the Liberals and those who would support Bill C-23. It is something I call the language game. The language game can be a very effective tool, especially when the groundwork has already been laid to erode the notion of truths or absolutes.

Let us talk about this language game being employed by the government. It is a well crafted technique and strategy that Liberals and those who support Bill C-23 use to try to intimidate, punish and scorn those who disagree with their claims on a philosophical perspective.

Those who claim to be promoters of tolerance will even resort to bringing personal lawsuits against those who speak out against them. These can cause a great deal of personal hardship and even economic ruin. I know an individual within my own riding who is faced with this because he has been on the public record as being opposed to this particular issue.

We have seen the creation of new words in the language game, again played by the justice minister to try to shut down those who disagree with the bill. We are well acquainted with the word homophobia, a word where people who believe that there is such a thing will say that it is a fear of homosexuals; a label used to brand those who object to the state's sanctioning of homosexuality.

I implore the government to note that the weakest form of any argument is name calling. When one's arguments do not withstand the test of its own merits, it is a sign of weakness within that argument. We have seen this tactic employed by the government when proceeding with this bill.

Redefining terms is another plank used in the language game. Because language is such a powerful tool, we have seen the government use this tool in branding others for various different reasons to try to shut down and stifle debate. On this particular issue, this is very clear.

If the meaning of a word or a phrase can be shifted to mean something else, then wide support can be granted for an idea. Who would be against equality? Who would possibly want to be perceived as anything but tolerant? Who could disagree with either of these statements?

• (1325)

Let us look at the term tolerance. What does the word actually mean in light of public policy? Tolerance on this topic of same sex benefits would seem to indicate that the state should not be allowed to intrude on private, consensual sexual relationships between adults as long as all involved consent and no one gets hurt.

### *Government Orders*

What does the government call tolerance? What does the justice minister call tolerance? What does she mean by the words tolerance and equality? The minister believes that no personal sexual arrangement is better than any other, which can be defined as sexual egalitarianism, and that anyone should be allowed to participate in whichever arrangements they choose or are predisposed to. That is the first part of tolerance.

In conclusion, the minister goes well beyond this definition and redefines tolerance to mean social acceptance. She wants to legislate the benefits reserved for married couples or extended to others, that there is no difference in law between those who are married, a common law heterosexual or same sex relationship.

I would implore my colleagues to look at the philosophical underpinnings of this debate and see that it really is a divide on philosophical grounds. Those who oppose it, oppose it on such. This marriage amendment that is being proposed by the justice minister is nothing more than a shell game, which my colleagues will expound on in the House today to let Canadians know that this bill is simply wrong.

I implore Canadians not to be fooled by this trick of putting forward an amendment as some saviour to marriage, because it certainly is not. It goes down the wrong road and Canadians should be aware of that.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Madam Speaker, we have before us today Bill C-23. Sociologists and others who are expert in societal ethics, such as the Canadian religious and academic community and those who have achieved national prominence through their defence of the institution of the family, are all concerned about the basic societal significance of this bill. The gay and lesbian political groups are happy. However, it has become clear to me from the constituents who have contacted me that this bill does not have much legitimacy in my community.

The government members claim that their hands are tied by the courts and that they are just doing the housekeeping in law that is necessary to accommodate what the supreme court has already decided. Nevertheless, the point is that it must be parliament that makes Canadian law and the courts should interpret, not the other way around. The court was wrong to read that in at section 15(2) of the charter.

The bill is summarized as follows on the second page of the bill:

A number of federal Acts provide for benefits or obligations that depend on a person's relationship to another individual, including their husband or wife and other family members. Most of those Acts currently provide that the benefits or obligations in relation to a husband or wife also apply in relation to unmarried opposite-sex couples who have been cohabiting in a conjugal relationship for at least one year. Some of those

### Government Orders

Acts provide for benefits or obligations in relation to certain family members of a person's husband, wife or opposite-sex common-law partner.

This enactment extends benefits and obligations to all couples who have been cohabiting in a conjugal relationship for at least one year, in order to reflect values of tolerance, respect and equality, consistent with the Canadian Charter of Rights and Freedoms.

There was a last minute insertion in the bill at the beginning that will not appear in the text of the 68 statutes that the bill amends. In that section it says:

1.1 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 bill then goes on to insert the new definition of common law into 68 statutes, which reads as follows:

"common-law partnership" means the relationship between two persons who are cohabiting in a conjugal relationship, having so cohabited for a period of at least one year;

We must then understand what conjugal means, and that will be for the courts to interpret in the future. My understanding can be deduced from several sources, such as *Black's Law Dictionary*, which says:

"conjugal" of or belonging to marriage or the married state; suitable or appropriate to the married state or to married persons; matrimonial; connubial.

There is also the definition in Black's dictionary of the word "consortium". It says:

Conjugal fellowship of husband and wife, and the right of each to the company, society, co-operation, affection, and aid of the other in every conjugal relation. Damages for loss of consortium are commonly sought in wrongful death actions, or when a spouse has been seriously injured through negligence of another, or by a spouse against third person alleging that he or she has caused breaking-up of marriage.

• (1330)

What we have are financial benefits and federal social programs based on what people will claim about their undocumented, private sexual behavioural associations, rather than on family dependency, economics and the legal and perhaps even religious contract of marriage.

I refer to another reference book that is on the clerk's table before me here in the Chamber. It is called the Bible, translated into English and published in 1611 at the request of King James. It is foundational to all our law, and I note in Corinthians I 10:23, in relation to what is acceptable to partake of, it outlines a principle which may apply to the bill. It reads: "All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not". To put it another way, the new international version says "Everything is permissible, but not everything is beneficial: everything is permissible, but not everything is constructive". Moreover, I paraphrase by saying that courses in life might be possible but are not recommended.

Despite denials during the last parliament and during the last election, the Liberals have indeed steadily moved to enhance the complete social condonation of the gay-lesbian lifestyle. Instead of clearly outlining that particular political agenda in their platform policy and seeking a political mandate for such aims, they have been less than honest with Canadians and have brought it to the country by stealth, which they have often denied they were doing. It seems now they no longer make any pretence about their longstanding political agenda, despite the past denials. Consequently, there was no basic political consent in this country to do this.

The bill is very prescriptive in nature, telling average Canadians what is good for them, and it strikes at the heart of what family has meant to Canadians.

Canadians need to wake up and read the label on the bottle of what is being prescribed as medicine for the country. The elites make astounding prescriptions, such as the Law Commission of Canada when it pronounces, revealing its low regard for average Canadians' opinions and the democratic will to be expressed in the House of Commons. They said at the justice committee:

However much we are committed . . . to undertaking the broader inquiry, we also believe that legislation like Bill C-23 merits enactment today. However much we believe in the need for Parliament ultimately to strive for its legislative "best", we also believe that there are times (and this is one of them) when it should proceed to enact what is, constitutionally, a legislative "good".

This new, Liberal government created and staffed law commission arrogantly pronounced on our democracy and the worth of the House with that statement, and it is appalling. It is like the condescension to Canadians evidenced by the Nisga'a bill, or what the government did to Canadian human rights at the University of British Columbia when our nation hosted some oppressive foreign dictators. It is more of "we know best what is good for you, and by the way, do not think for yourself to disagree".

We need to build community consensus on these things. Parties need to declare during elections these kinds of matters and seek mandates. If they will not, certainly it is only the Canadian Alliance that would change the system and put the power into the hands of citizens to give them the ability to seek community support and drive the public agenda through a local initiatives law process.

Basic issues can be settled in line with what Canadians really want, not by fighting politicians or receiving Liberal style condescending coercion. Rather, the social concepts must submit to the Canadian marketplace of ideas where neighbour can convince neighbour in discussion, knowing in advance that their discussion has real power, and where the disciplines and moderating limits of democracy and the ballot box can more fully work.

No one should be discriminated against in basic human rights. However, we discriminate all the time when we define limits of

*Government Orders*

access to programs and benefits, such as the age discrimination against me to receive the old age pension. I am too young.

There has been a deliberate confusion between rights and benefits. People desire to eliminate real discrimination when they find it, but they can be socially conservative and traditionalist in their outlook and yet not be socially intolerant or discriminatory.

Traditional marriage is seen as very special, if not sacred, by all major religions of the world, and the bill is seen as demeaning those ideals. Yet Canadians want to be fair, non-discriminatory and certainly not mean-spirited.

I will be voting against the bill because I do not believe it is supported by most of my community, and they cannot be labelled as prejudiced when they make that decision.

• (1335)

On June 8, 1999 parliament passed a motion to take all necessary steps to preserve the definition of marriage as the union of one man and woman to exclusion of all others. It is time for the government to act on this directive and clearly and effectively define marriage in legislation. It is unfortunate that the Liberals chose to disregard the recognition of the institution of marriage in legislation.

Common law status will now have wide interpretation. Formerly in law the standard has been at least two or three years of living as if married. The change to one year will have unforeseen social effects. One disadvantage of the definition of common law partner is that its very flexibility gives rise to uncertainties in its application, uncertainties that may require intrusive inquiries into the intimate details of people's lives for their resolution.

This bill may soon become known as the end of marriage act. An interpretation clause of marriage in an omnibus bill will likely have little future legal weight. Therefore, this amendment does not truly preserve the traditional concept of marriage in legislation. If the government were serious, it would attach the definition to all statutes whenever it adds the new definition of common law.

However, I doubt they are sincere, for this amendment is a political move by the Liberals to try to deflect legitimate concerns about marriage being made meaningless in public policy. The public is presently not accepting outright gay-lesbian marriage, but we are getting there by stealth. Maybe the public will want it someday, but whatever happens, it must be democratically legitimate, not proscribed.

The bill has many internal flaws and it does not have the support of my community. Consequently, Canadians will have to defeat this government so that we can fix this bill, like so many other measures the Liberals have propounded, for they do not reflect basic Canadian character and mainstream values.

[*Translation*]

**Mr. André Bachand (Richmond—Arthabaska, PC):** Madam Speaker, there are bills we debate that do not cause us too much distress. There are others, very important ones, that affect us in the way we were raised, in our beliefs. Bill C-23 hits us hard in the gut. However, we want to behave as MPs, it pushes us to think more.

On the subject of Bill C-23, the Progressive Conservative party has decided the vote will be a free one. There has always been a free vote in caucus, but in the House, where the members belong to a political party, there must be solidarity. In this case, as in others in which moral fibre is very important, the members will have the option of voting according to their own conscience or that of their electors.

I listened to the Reform members' presentations. It is not clear whether their consciences will win out or whether they will follow the wishes of their constituents. As I can see, their consciences are likely to have the upper hand.

This bill is not easy. When we talk about the rights of homosexuals in the country, in fiscal terms, with some sixty laws involved, it is not an easy matter. It is tempting to hide, saying "It is true, there are homosexuals, there are gays and lesbians, but why are we talking about it?" People ask us "Why talk about gays and lesbians?" Who does not know people who are gay or lesbian? We cannot say they do not exist. They are there.

Someone said "They are fine people, but—". That is a bit backward. "They are fine people, but we should not go too far. There is the marriage issue".

On the subject of marriage, with the rule of interpretation, the government took a step in the right direction. It is a rule of interpretation that has force of law, much more so than some members might imagine. Why do I say that? Because I recall that the conditions set out in the Meech Lake accord were rules of interpretation.

• (1340)

The concept of distinct society was included in a preamble. It was a rule of interpretation. I remember that, in certain parts of the country, people were afraid of that rule and its weight from a legal standpoint. Personally, I am very, very pleased with that rule.

Naturally, it is not easy to discuss giving gays and lesbians who are in a common-law partnership the same tax benefits as a man and a woman in a similar partnership. Personally, I will support the bill. Did I read all the clauses and assess all the implications? The answer is no.

People in my riding have asked me what this bill was all about. I told them "It is an omnibus bill". In order to understand fully the

*Government Orders*

impact of Bill C-23, one must know all the acts that are mentioned in it. This makes Bill C-23 an absolutely incredible document.

I am not an expert on this bill like the hon. member for Pictou—Antigonish—Guysborough, but there are principles involved here. I had discussions with people in my riding. Some support this bill, and others oppose it. Some people ask many more questions than others. An older lady told me “I remember 25, 30 or 35 years ago, when my daughter decided to move in with her boyfriend, it was a tragedy. We would tell them “What are you doing? You are living in sin. Such a relationship is illegal, as evidenced by the fact that the Church opposes it, while the law does not recognize it”.

Finally, things have evolved. I think that the discussion nowadays is much like the discussions that used to take place in Canada and Quebec and all the provinces about cohabitation—although not quite the same, because any analogy is imperfect. Do we provide the same benefits? People were afraid that the sacrament of marriage might disappear if they recognized the existing reality.

I was asked how I saw it? When I was a teenager, people would ask me what I wanted. Back then, I said that I wanted to get married and have children. That was what I wanted. I did not get married and I have a little boy of four. I do not feel excluded from society in any way. I am a practising Catholic and I do not feel excluded.

I have also spoken with a few people in the Church and some take a harder line. Others make a distinction between their concerns and those of others, between secular society—this does not mean that they are not interested, that they are not a part of that society—and religious society. What concerns them is faith, religion. For them, marriage continues to be the union of a man and a woman. That does not change. However, they naturally take a stand on any bill that secular society comes up with. Within the Church itself, there are divisions, different stands. It is the same way within the Progressive Conservative Party.

Who am I to say that, as you cannot have children in the normal way, you cannot be recognized as a couple for tax purposes, for the purpose of benefits? Who am I? My faith may tell me that a family, a marriage, takes a certain form. That is all very well, but who am I to judge?

• (1345)

This is a reality. Some will say that being gay or lesbian is not normal. Some people in this House still believe it is a disease, or that it is hereditary, or if not hereditary is a matter of behaviour and the result of some past problem. They contend that the gays and lesbians in this country are the result of family breakdown.

I do not have the answer. I do know that people must adjust to reality, a reality that is, in some ways, accepted by those who live

in this country. Unlike the situation with other issues of equal importance and difficulty, I have not seen people picketing the homes of gays or lesbians. Has it been seen? I have seen not such thing. Have hon. members seen signs proclaiming “We are anti-gay. We are against lesbians”? I have not. We do, of course, have our protester out front, but that is what democracy is all about.

There is some openness in this country. Bill C-23 is putting into law what the supreme court has called upon us to do. We know that members of the Reform Party are not keen on the supreme court. They do not like courts of law, and yet, unfortunately, they are going to end up in one once again, because of their name, but that is another story.

Our thinking must evolve with the times, our open-mindedness in particular. The government can be heavily criticized for one thing about Bill C-23 and I believe that all opposition parties agree on this point. They could have taken more time to consult the—

[English]

**Mr. Deepak Obhrai:** Madam Speaker, I rise on a point of order to remind my colleague that in his speech he referred to us as the Reform Party. I remind him that we gave the House the documents which say we are members of the Canadian Alliance.

**The Acting Speaker (Ms. Thibeault):** I think we have all agreed to call the former Reform Party by its new name but please give us a little leeway. It is not very easy to make the change overnight in our debates and conversation but I am sure that we will try to do our best.

[Translation]

**Mr. André Bachand:** Madam Speaker, I would like to point out to my Reform colleague who is a member of the Canadian Alliance that, even if we are not allowed to call each other names here in the House, I may call him whatever he wants, provided that he acknowledges that I am a member of the Progressive Conservatives of Canada.

Discussion on Bill C-23 must continue in an atmosphere of open-mindedness, not narrow-mindedness. That is why the Progressive Conservative Party will have a free vote on this issue.

[English]

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Madam Speaker, I point out to the member who just spoke how it does make a difference. That will be the whole point of my speech. I ask him too to look at reality.

Last summer I spent a lot of time working on a family farming project. It was very labour intensive and provided jobs for a lot of young people in our area. I worked side by side with many young

*Government Orders*

people between the ages of 16 and 20. Many of them were from a youth rehabilitation centre that worked with young people who had run afoul of the law.

After working side by side with me and doing some very difficult work, they began to talk with me one on one. They of course did not know that I am a member of parliament, nor did they care and it would not have made any difference to them. As they began telling me about themselves, their backgrounds and especially their home environments, I was struck by the fact that they all had one thing in common: every single one of them did not have a father in the home.

My experience provides the passion for what I have to say today in my whole argument. We have given certain groups within our society special privileges without balancing them with responsibilities. Who suffers? It is the children. That is my theme today. If we go ahead with Bill C-23 as it stands today without amendments, it is the children who will be hurt and it is the children who are not even born yet who will be hurt.

• (1350)

Let me explain. Hopefully Liberal members are listening and not just giving catcalls as they are doing now. This is not just an issue of personal conscience. Every law has consequences otherwise we would not even be talking about it or dealing with it in parliament. What are the consequences of Bill C-23 going to be?

By going back to the example I began my speech with, let me underscore the fact that if we do not have healthy, strong homes and close families where both parents play a strong role, we will end up with children who begin life with two strikes against them. It is the children who are hurt. Those are the consequences.

Solid homes and families build a strong nation. A solid home and family is built on a firm foundation. That firm foundation is a lifelong marriage commitment. It is not a sexual relationship. That is the big flaw with Bill C-23.

It is a huge mistake for the government to base benefits on a conjugal relationship. That is not the same as a marriage relationship. The state needs to encourage lifelong commitments to form the basis of a strong, stable family where children can grow, develop and learn the values from their parents that will give our society its palatability.

We have done some in-depth research on this. Legal research in the last week has indicated that putting a definition of marriage in the preamble of Bill C-23 is not good enough. The research shows clearly that the amendment is very weak and will do nothing to the 68 pieces of legislation that are being amended.

I want to emphasize that because that is a key argument in everything we are saying today. Why? Because Bill C-23 is an omnibus bill. It amends 68 other pieces of legislation. At the very

least every other one of those pieces of legislation must have the preamble of Bill C-23 included in it and that is not going to happen as it is presently structured. Lawyers tell us that this bill is set up in a way that it will not happen. That is the great flaw with this legislation.

We must preserve the marriage commitment for the sake of our children. Is it any wonder that the world's greatest teacher said that it would be better for a millstone to be put around a person who hurt one of these little ones and then for that person to be dropped into the sea. Let us never forget that.

Benefits should never be based on a sexual relationship either. Benefits, if the government so chooses, could be based on a relationship of dependency. If I have time I am going to propose that positive alternative to what the Liberals have done.

This bill should not undermine the strength of the family home. If the state is to provide any incentives, it must consider the most vulnerable in our society, our children. Those incentives should promote stable family relationships where children are nurtured and developed. The state needs to promote the commitment, not the sexual act.

Let me point out that since I spoke up a week or two ago on this issue, I have received a lot of mail, both pro and con. The government's handling of this issue has created deep divisions. These divisions would have been unnecessary. Without exception the criticism I received did not counter my arguments. It only called me names. Pinning labels on those who disagree is hardly legitimate debate.

I pointed out that buggery was against the law back in the 1950s and is still in the criminal code today with two exceptions. Today one can receive benefits from the federal government if one practises it. As a noted person once said, if we want to get a jackass to listen, first we have to get his attention. By pointing out that we as a society have changed since the 1950s, people did pay attention. Many were shocked.

Here is another aside. Those who are preaching tolerance and respect, those who are criticizing me now quite verbally, do not respect the alternate point of view or even listen to the arguments.

The experience I have had in dealing with children is underscored by Statistics Canada data. I would now like to go through that. Two years ago Edmonton journalist Lorne Gunter analyzed how costly common law relationships are for taxpayers. Here are some of the startling facts he found published in Statistics Canada data.

Sixty per cent of domestic violence occurs in common law marriages. The chance that a woman or a man in a common law arrangement will be the victim of abuse is more than nine times that of a married person.

*S. O. 31*

• (1355)

Sixty-three percent of children born in common law relationships will witness their parents separate before they reach 11 years of age. This compares to just 14% for those children whose parents never lived together before marrying and 26% of those children whose parents shackled up together before getting married.

Forty percent of common law relationships end before marriage. Couples who live together before exchanging marriage vows are more than 50% more likely to divorce than couples who did not shack up.

How do these family breakups affect children? Children whose parents' relationship breaks down are much more likely to underachieve in school and in life. They are twice as likely to drop out of school. Girls are nearly three times as likely to get pregnant before leaving their teens and far more likely to have abortions. Suicides are higher. Illegal drug use is greater. They are nearly six times more likely to get in trouble with the law. Four out of every five convicts come from broken homes.

Mr. Gunter's conclusion is that marital breakdown is a leading cause of social problems, perhaps the leading cause. Because common law relationships are so prone to breakdown, they contribute disproportionately to social ills and everyone must live with them and subsidize them.

I gather from the comments from across the way, the members are not even listening to the relevance of this argument.

**An hon. member:** Relevance?

**Mr. Svend J. Robinson:** It is a disgrace.

**Mr. Garry Breitkreuz:** Mr. Speaker, the only power I have is to tell the people of Canada what the government has done at election time. I cannot force the government to do anything. It simply invokes closure—

**Mr. Svend J. Robinson:** Is this the new Canadian Alliance?

**The Speaker:** Order, please. The hon. member has two minutes left.

**Mr. Garry Breitkreuz:** Mr. Speaker, I appreciate your intervention.

I cannot force the government to do anything. It will simply invoke closure on a bill and will ram it through. The power will rest with the people. We can be sure that if all the amendments we are proposing are not made, those people will render their verdict.

I have one more point. With all the interruptions I have had, I did not get through my speech. I would like to read a quotation from barrister and solicitor, Iain Benson. I think he said it best on March

21, 2000 when he testified before the Standing Committee on Justice and Human Rights.

He said: "What the gay rights approach has done is struck an arrangement with Ottawa that divides people into the sexual and non-sexual, in which only the sexual is recognized outside of marriage. Yet this is an unfair attack both on the primacy and genuine social importance of heterosexual marriage and to all those who are in dependency relationships of whatever sort, sick, single or same sex where sexual activity is not present or permissible. Other jurisdictions such as Hawaii in the United States have determined that other categories need to be created such as reciprocal beneficiaries or registered domestic partnerships where the focus is not so, to be blunt, genital".

I cannot finish the rest. Maybe I will be able to finish it at a later time.

The *Montreal Gazette* agreed. The editor wrote:

And when did a sexual relationship become a new standard by which a relationship of dependency is measured? It is worth remembering that the existing laws surrounding benefits and obligations for dependent spouses were designed to support traditional marriage and, by extension, the raising of children.

**The Speaker:** Time is up and we will now proceed to Statements by Members.

---

## STATEMENTS BY MEMBERS

[Translation]

### CANADIAN CANCER SOCIETY

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, it is my pleasure to remind the House that April is the Canadian Cancer Society's campaign month. Each year the campaign starts with daffodil days on April 6, 7 and 8.

[English]

Last week the Governor General of Canada, who is an honorary patron of the Canadian Cancer Society, officially launched this year's daffodil campaign at Rideau Hall.

[Translation]

In 1998 the employees and volunteers of the Canadian Cancer Society collected over \$5 million through the sale of daffodils, which, since the 1950s, have represented, like suns, the hope that cancer may one day be beaten.

I hope that my colleagues in the House of Commons will join me in supporting the daffodil campaign of the Canadian Cancer Society, a volunteer organization operating for the past 60 years.



• (1400)

[English]

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Deepak Obhrai (Calgary East, Canadian Alliance):** Mr. Speaker, on February 17, Tara McDonald was tragically murdered while she worked alone on a late shift at a fast food establishment in my riding. My heartfelt condolences go out to the family and the friends of Tara whose young life ended far too early and with so much promise left unfulfilled.

Residents of Calgary East, with the help of Calgary police detectives, conducted an extensive search of the area surrounding the crime scene and uncovered crucial evidence that led to the capture and arrest of the suspect.

The tragic murder of young Tara highlights a public safety concern for those who must work alone late at night. I appeal to the provinces and territories across the country to examine existing legislation dealing with occupational health and safety.

I urge the provinces to make a buddy system mandatory to ensure no one works alone late at night. I urge the provinces to amend legislation to make cameras and security systems mandatory for businesses that remain open past—

**The Speaker:** The hon. member for Waterloo—Wellington.

\* \* \*

### CANADIAN CANCER SOCIETY

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Mr. Speaker, the Canadian Cancer Society is the largest single contributor of funds to cancer research in Canada. This year the Canadian Cancer Society contributed more than \$30 million to fund a broad base of cancer research across this great country of ours.

The Canadian Cancer Society provides important patient support and is engaged in valuable public education activities. Without donations from the public, this important work would not be possible.

This April thousands of volunteers will hit the streets, knocking on doors across Canada to raise funds for research and to raise public awareness about cancer, a disease that kills tens of thousands of Canadians each year.

Activities planned for cancer month this April include daffodil days in various communities across Canada. Last year volunteers raised over \$5.5 million through the sale of beautiful daffodils. This April let us open our hearts and our doors in support of this very worthwhile cause.

*S. O. 31*

### UNITED NATIONS SECURITY COUNCIL

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Mr. Speaker, this month under the rotation rules Canada assumes the presidency of the United Nations Security Council. The council is the key constitutional organ of the United Nations, but its political authority has been diminished by alleged abuse of the legal veto power accorded to five permanent members whose own composition mirrors the political realities at the end of World War II.

We have proposed modernizing the security council by opening up permanent member status on a regional basis and by limiting the veto to particular issues or even taking it away altogether where there is only a single negative vote cast.

\* \* \*

[Translation]

### BIOCHEM PHARMA INC.

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the Minister of Industry of Canada announced today a repayable investment of \$80 million by Technology Partnerships Canada in BioChem Pharma Inc. of Laval for a vast research and development project, which, if successful, will involve investments of up to \$600 million and enable the firm to evolve into a fully integrated biotechnology company in the field of vaccines. About 450 highly skilled scientific and technical jobs will be created in Canada over the life of the project.

[English]

The goal of this research and development initiative is to allow BioChem Pharma to develop a new platform technology in recombinant protein vaccine. The company will create a range of innovative vaccines that promise safer, cheaper and more effective treatments of bacterial infections in children and adults.

\* \* \*

### HEALTH

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, the Liberals and the NDP are wailing and wringing their hands over Alberta's bill 11. Terms like two tier medicare and private clinics are used as if they are strictly forbidden in Canada just like they are in Cuba and North Korea. It is strange that only certain provinces and sectors of the health care system are targeted by the socialists for their criticism.

Two years ago the *Globe* reported that 21 special private clinics were operating in Canada. In most provinces these clinics are even funded by the taxpayer, except in Nova Scotia, New Brunswick and Manitoba where clients were charged \$300 to \$500. No one said a

*S. O. 31*

word about these clinics or anything about these provinces violating the Canada Health Act.

We have a government that allows privatization of health clinics that provide abortions but not private health clinics that provide medically necessary heart surgery. This is an obvious double standard. The dictionary defines a standard that applies to others but not to oneself as hypocrisy.

• (1405)

**The Speaker:** I ask hon. members to stay away from that word.

\* \* \*

**WALK OF FAME**

**Mr. Reg Alcock (Winnipeg South, Lib.):** Mr. Speaker, I would like to congratulate two great Canadians, internationally acclaimed singer-songwriter Neil Young and veteran actor Donald Sutherland, who were inducted on Thursday, March 30, into Canada's Walk of Fame in Toronto.

Toronto born, Winnipeg raised Neil Young first recorded with the band Buffalo Springfield in 1967, and with Crosby, Stills and Nash is about to record their first album since 1988. At the induction ceremony Neil Young thanked Canada for his roots and his mom and dad for teaching him the value of free expression.

Donald Sutherland, who wishes he was raised in Winnipeg, began his career in 1963 at the University of Toronto where he acted in his first play. Since then he has starred in more than 100 films, including *MASH* where the role of Hawkeye propelled him to stardom.

[*Translation*]

Canada's Walk of Fame is an expression of our admiration for artists and athletes who have made a name for themselves in their respective fields.

I am pleased to offer congratulations to Donald Sutherland and Neil Young. On behalf of all of us, I thank you for your valuable contribution and offer you my best wishes.

\* \* \*

**FIGHT AGAINST POVERTY**

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, although the federal government has managed to build up exorbitant surpluses by chipping away at the quality of life of the weakest members of our society, the Minister of Finance confirmed in his latest budget that his government will not give priority to combating poverty over the next five years.

Despite six years of social deficit and a surplus topping \$130 billion, the Liberal government has made no effort to build new social housing.

This same government refused to improve the EI scheme, but it will continue merrily dipping into the surplus of a fund that does not belong to it without contributing a single cent itself.

As the new millennium begins, the Prime Minister, the Minister of Finance and the docile Liberal caucus have passed up a rare opportunity to make the fight against poverty a priority.

This government is leaning more and more to the right.

\* \* \*

**GRANDS PRIX TOURISM AWARDS GALA**

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, I wish to pay tribute to the winners of tourism awards at the 15th Grands Prix du tourisme de l'Outaouais gala, and more particularly to Jean Gauthier, who was named Person of the Year.

Mr. Gauthier was singled out for his exceptional efforts to turn the steam train that runs from Hull to Wakefield through Chelsea and back into a top tourist attraction in the Outaouais.

All the other winners make the region a very popular tourist destination as well. They are: the Buckingham en fête festival, Café Henry Burger, the Au Charme de la montagne bed and breakfast, the Maison des merisiers inn, the Château Cartier, Esprit Rafting, Maestro Limousine, the Laurier sur Montcalm, Baccara and Ferme rouge restaurants, Gatineau Park, the Keskinada Loppet, and the Casino de Hull fireworks display.

These award recipients are proof of the joie de vivre and exuberance of the greater Outaouais region. I congratulate the Outaouais Tourist Association for its excellent work.

And to everyone at the Grands Prix du tourisme Québécois, Quebec's tourism awards gala, I offer my warmest congratulations and best wishes for good luck.

\* \* \*

[*English*]

**THE ENVIRONMENT**

**Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance):** Mr. Speaker, in a few days a shipment of PCBs from a U.S. military base in Japan will arrive at the port of Vancouver. It is unclear whether the environment minister has become a victim of Greenpeace hysteria in this case or whether he is a victim of his own bad judgment.

Let us consider the following facts. Canada has no restrictions on the length of time that PCBs and other kinds of hazardous waste can be stored or even how they can be disposed of. Earlier this year

I expressed my concerns to the minister on this problem, yet he has refused to show leadership on the issue so far.

It is puzzling the minister now appears to abandon the same U.S. company to which the Liberals gave a generous \$1.2 million HRDC grant to set up shop in Canada for the purpose of treating these kinds of PCBs.

Clearly the greater good for Canada and the rest of the world is to get PCBs out of the environment and eliminate their threat altogether. It is unfortunate the minister lacks a consistent policy on the issue. The minister is missing in action.

\* \* \*

#### CANADIAN CONSERVATIVE REFORM ALLIANCE

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, it has been said that the transformation of the Reform Party into the Canadian Conservative Reform Alliance or the Canadian Alliance means that nothing has changed but its name.

I wish to suggest otherwise. At least one thing has changed. For the first time since my election to the House in February 1995 all parties without exception support the Official Languages Act of Canada. The Reform Party used to advocate the abolition of the Official Languages Act. Not so the Alliance. The Alliance, we are led to believe, embraces Canada's linguistic duality and the Official Languages Act.

We wish members of the Alliance, and in particular the member for Yellowhead and the member for Saskatoon—Humboldt, a speedy and smooth conversion on their personal road to Damascus.

\* \* \*

• (1410)

#### HOUSING

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, on repeated occasions in parliament I have asked the minister responsible for housing why the federal government has been so blind and unresponsive in helping 50,000 British Columbians who are faced with a mess of leaky and mouldy condos.

I have asked the minister to work in partnership with the provincial Government of British Columbia, and I am asking today that the minister give serious consideration to the most recent report by the Barrett commission. People's homes depend on it.

My NDP colleagues from Burnaby—Douglas and Kamloops and I have asked the government not to charge GST on repairs, to provide tax relief as recommended by the Barrett commission, and to provide help in correcting mould and spore problems.

*S. O. 31*

The minister's sorry response is that RRAP funds will help. They do not. The provincial government has issued PST tax relief. Why will the feds not do their share on GST?

Homeowners are very disillusioned. I ask the government to reconsider its previous position so these homeowners can be assured of federal assistance as outlined in Mr. Barrett's report.

\* \* \*

[Translation]

#### QUEBEC ECONOMY

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, the federal government's communication guru in Quebec and Minister of Public Works publicly announced that his government had done a good thing by introducing Bill C-20. He said "Now that we have eliminated the threat of separatism, investors want to come back to Quebec".

That statement is rather astounding, if not downright demagogic.

The minister from Montreal should reread Saturday, February 19 issue of *Le Devoir*, more specifically the economy section. Under the headline "If the trend continues, Montreal will catch up with Toronto" journalist François Normand clearly explains how the gaps between Montreal and Toronto regarding unemployment, job rate and per capita income are diminishing.

Thanks to the Quebec government, led by a sovereignist party since 1994. Thanks for the positive results of its economic policies.

\* \* \*

[English]

#### RAOUL STUART BLAIS

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, it is a privilege to rise today to pay tribute to one of our own security guards and to congratulate him on 50 years of service to the people of Canada. Constable Raoul Stuart Blais began his career at the age of 17 in the navy, then moved to the air force and then the military police.

As a security guard in the House of Commons, Stu Blais has watched over a generation of parliamentarians and employees and helped create a secure environment for millions of visitors to Parliament Hill.

Today, as he begins his second half century of service to Canada, I am pleased to note that he is on duty in the gallery and with his family present. On behalf of us all, I salute him and I thank him.

**Some hon. members:** Hear, hear.

*Oral Questions***VOLUNTEERS**

**Ms. Angela Vautour (Beauséjour—Petitcodiac, PC):** Mr. Speaker, today I recognize and thank the many volunteers who are responsible for running our local food banks.

Last week I visited the eight food banks in my riding. It is sad to see that the government is still turning its back on the less fortunate of the country and is leaving them with no choice but to rely on food banks to feed their families. Without the hard work of many volunteers working in our local food banks many families would go hungry.

I take this opportunity to send my personal thanks to the following people with whom I had the pleasure to speak last week: Theresa Richard, Rosalie Richard, Noëlla Léger, Val Goodwin and Jennifer Blacklock, Janice MacKay and Joan Cant, Beryl and Car Kingston, Vicky Crossman and Malcolm Fife. I also give a special thanks to Phyllis Carter for volunteering her time for 11 years at the Sackville and District Assistance Centre.

As a member of the community, I want to thank the volunteers for the important work they are all doing. I know the hours are countless.

two tier health care system. The member for Esquimalt—Juan de Fuca said the same thing.

**Miss Deborah Grey (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, he does know how to mince it up.

The Prime Minister knows full well that he has slashed billions of dollars out of health care. He presided over cabinet meetings where members fought around the table as to who would get more money for grants and contributions for their programs. Tragically, Canadians' number one priority, health care, was left waiting in the hallway. Now the Prime Minister will not even meet with the premiers to try to come up with a solution.

Why does he care so little about the health of Canadians?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I am proud to say that the total CHST transfers to the provinces were \$28.9 billion in 1993-94. In this fiscal year, which started two days ago, they will receive \$30.8 billion. That is an increase of more than \$2 billion.

**Miss Deborah Grey (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, that includes the tax points. If we just talk about health care funding, in 1993-94 it was \$18.8 billion—

**Some hon. members:** Oh, oh.

**The Speaker:** Order, please. The hon. Leader of the Opposition.

**Miss Deborah Grey:** Mr. Speaker, we know tax points are not for the federal government to give. In 1993 the government put in \$18.8 billion. It then went down to \$12.5 billion. Now it is back up to \$14.4 billion. That kind of math is this government's track record.

He cut \$25 billion out of health care, which is responsible for huge waiting lines, and he encourages health care workers to leave Canada, yet he will not meet with the premiers.

If he is so concerned about health care, why did he give another \$3 billion for grants to the bungler over there at HRDC?

**Some hon. members:** Oh, oh.

**The Speaker:** Order, please. My colleagues, I remind you to please call each other by your titles rather than using names.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the transfer payments are not only for health. They are for universities and for the welfare of the provinces.

The reality is that the government has not only re-established the level of 1993-94, we have re-established the level of 1994-95. This is the only government program where the money has been more than re-established. Because we have made cuts, the provinces have benefited a lot. For example, hundreds of millions of dollars

**ORAL QUESTION PERIOD**

• (1415)

[English]

**HEALTH**

**Miss Deborah Grey (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, Canada's health care system is in crisis. What is the Prime Minister's answer? He says that the provinces should not cut taxes, never mind that his government slashed \$25 billion when it came to office, never mind that it bungled \$1 billion over at HRDC alone and never mind that over the weekend he boasted about being a living testament "to patronage at its best".

Why does the Prime Minister care so little about health and so much about patronage?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I think the people of Cape Breton are very happy that we used government money to help them create 900 jobs and possibly up to 1,500 jobs. I think it was a very good investment.

In terms of health care, I think the Leader of the Opposition should check with members of her party, who are on the record. The member for Calgary Southeast said very clearly that he wants a

*Oral Questions*

have gone to every province because they pay less money to the interest on their debts.

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, the Prime Minister's platitudes may console his colleagues but they do little for the families waiting for heart surgery.

This government's track record is why thousands of Canadians have waited months for elective surgery. For every year that this government has been in power, it has chosen to increase the spending for grants and contributions rather than health care. Every single year the government's choice of treating cancer patients on one hand or buying votes on the other is what it is always talking about.

Why does the government choose giving cash to its friends rather than giving health care to Canadians?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, first, I want to congratulate the hon. member for becoming the health critic of the Canadian Alliance. That happened some months ago but today is the first day that the member has asked me a question about health.

• (1420)

While members opposite have been off playing politics, we have been worrying and working toward a better health care system for all Canadians. I think I suspect why this member has been reluctant to raise the issue of health. He is afraid we might quote the Canadian Alliance Party to itself, like quoting the member for Esquimalt—Juan de Fuca, who said that two tiered health—

**Some hon. members:** Oh, oh.

**The Speaker:** The hon. member for Red Deer.

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, the problem is that the numbers do not lie and the numbers are there in black and white. The government has cut \$25 billion from health care since 1993. Every single year it has chosen to raise the grants and contributions rather than health care.

The question is very, very simple: Why does the government choose grants rather than health care?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, there is a gulf between that party and this government. This government believes in the Canada Health Act and that party believes in American style private-for-profit medicine.

The hon. member for Esquimalt—Juan de Fuca said "A two-tiered health care system will strengthen the public system, not erode it. This can occur if, within a private system, only private funds are exchanged and no public money is used". He went on to say that the solution to increased resources was to allow for private health care services. They are out of touch. Never.

[Translation]

**HUMAN RESOURCES DEVELOPMENT**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, whenever we ask the Minister of Human Resources Development about Placeteco, she justifies the \$1.2 million grant by referring to Techni-Paint.

However, in the secret contract signed by the National Bank, Claude Gauthier and Mr. Giguère, clause 6.1.2 provides that Techni-Paint waives any rights to the grant, up to an amount of \$1.11 million.

How can the minister base her statements on Techni-Paint when a clause proves beyond any doubt that the grant went exclusively to Placeteco?

[English]

**Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, I am always happy to talk about Placeteco because the Placeteco story is good news for Quebec. Just recently it signed a five year contract worth \$8 million with a major aeronautical company, Bell Helicopter. There are 78 people working at Placeteco with a bright future.

Does this party want us to dissuade fine companies like Bell Helicopter from investing in the regions of Quebec? If so, it should say so. This story is good news for Quebec and its workers, and members opposite are trying to nitpick and find fault.

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, it takes some nerve to say what the parliamentary secretary just said, since we know that a \$1.2 million grant was paid and that there were 81 jobs at the time. Since then—as the parliamentary secretary just said—the number of jobs went down to 78. The government invested \$1.2 million to eliminate three jobs.

Can the parliamentary secretary explain the brilliant logic whereby a \$1.2 million grant led to the loss of three jobs? These are her own figures, the figures she just mentioned in the reply suggested to her by her department.

She finally gave us the numbers mentioned in the documents of the Department of Human Resources Development: a loss of three jobs after a \$1.2 million grant. That takes the cake.

[English]

**Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, when the grant was approved there were 64 people working at Placeteco. The company had some problems and faced bankruptcy. We decided to

*Oral Questions*

stick with the company and not abandon those workers, as this party would have done.

Therefore, we have a vibrant company with 78 people working and, as my math tells me, that is 14 more jobs.

[*Translation*]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, section 7.2 of the Treasury Board rules governing grants, which relates to transfer payments, states that managers must make an effort to avoid making payments in advance, by instead making payments on account to reimburse recipients for expenditures that have actually been incurred.

My question is for the President of Treasury Board. By paying out over \$1 million in order to create 42 jobs, only one of which was created, has the Minister of Human Resources Development not been in serious contravention to Treasury Board's rules?

• (1425)

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, my colleague, the Minister of Human Resources Development, herself tabled an internal audit report by her department indicating that there were problems relating to financial administration and practices within her department. She subsequently also tabled an action plan specifically to remedy this and to ensure that these practices would conform to Treasury Board policies.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, I appreciate the reply by the President of the Treasury Board.

I would now like to ask the following: Admitting that the minister noticed an error within her department and that the payment was made without any jobs being created, why then, as allowed by the contract, and as the Prime Minister has announced, has Placeteco not been asked to pay back the money, since it did not use it for the intended purpose?

[*English*]

**Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, we have already stated that a review of this file showed that no overpayment could be established. We have invoices from the company showing where the money was spent. Everything was above-board.

\* \* \*

**HEALTH**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Prime Minister.

On the weekend the provinces were chided by the feds for putting tax cuts ahead of health care. Talk about the pot calling the

kettle black. It was the federal budget that allocated two cents for health care in cash transfers for every one dollar in tax cuts.

Before the health ministers' meeting, the Prime Minister acknowledged the need for more money for health care. Why has the Prime Minister refused an early first ministers' conference and why has he backed away from his commitment to put more dollars into health care?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I want to repeat what I have said many times in the House. The CHST transfers to the provinces in 1993-94, including medicare, were \$28.9 billion. The total transfer for the year 2000-01 will be \$30.8 billion. That is \$2 billion more than what we gave them when we formed the government. This excludes the transfer of money that was given to the poorest provinces through the equalization payments, plus what we have done for Ontario and Alberta on the—

**The Speaker:** The hon. leader of the New Democratic Party.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, it is pretty clear that the Prime Minister has refused an early first ministers' meeting. It is also clear that there will not be more money for health care until there is a meeting. Otherwise, how is the Prime Minister to do his kiss the ring routine that he has come to love so much?

When the need for urgent action on health care is so obvious, why is the focus on what is good for the Prime Minister and his election, instead of what is best for Canadians and medicare?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, one thing that is very useful is the ineptitude of the NDP. It will help us in the next election.

Last year the CHST transfers amounted to \$29.3 billion. This year, 2000-01, it is \$30.8 billion. This is an increase of \$1.5 billion just in this fiscal year.

\* \* \*

[*Translation*]

**CROWN CORPORATIONS**

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, on the subject of money, a number of heads of crown corporations have received very generous raises and/or performance bonuses.

For example, the president of Via Rail got \$30,000. In the case of Canada Post—we all know who is the president there—the figure was \$37,000 in salary increases plus a bonus of \$80,000.

Could the Prime Minister explain why these amounts were handed out, when health care needs it so much?

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, it is perfectly normal in our system at the moment for us to

*Oral Questions*

compare the salary of senior executives, and especially the senior executives of crown corporations, with similar salaries in the private sector.

We have established a new system by which they receive a basic salary and a risk or performance bonus. The boards of directors of each of the crown corporations recommend salary increases to the government.

It seems to me a system that is appropriate for crown corporations.

• (1430)

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, I do not know what risk is involved in being the president of Canada Post. I do not know if a risk is involved. I have no idea. It is a monopoly, or almost.

On the subject of performance, last week we raised a problem. The Canada Lands Company lost \$3 million in a single transaction, which was not really investigated. We asked for a copy of the report. The current president is going to get a \$20,000 increase, if you can imagine that.

Could the President of the Treasury Board explain the performance?

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, I hope the member realizes that we mandated an outside committee, comprised of people from the private sector specializing in human resources management, to make recommendations to the government.

This committee, the Strong committee, reported to the government and in its report proposed that crown corporations be placed in ten categories according to size, complexity of the job and mandates given them.

It is standard practice, for each crown corporation, to assign specific objectives to the senior executives, which serve as the basis for their year end appraisal by the Treasury—

**The Speaker:** The hon. member for Fraser Valley.

\* \* \*

[English]

**ATLANTIC CANADA**

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance):** Mr. Speaker, at least now it is out in the open. On the weekend the Prime Minister was singing the praises of what? Patronage. He called a \$13 million grant to a call centre in Cape Breton patronage at its best.

But that is not what he and his Liberal friends called ACOA in 1988. I can remember reading in *Hansard* the Minister of Veterans

Affairs said that we should call ACOA the Atlantic Canada overblown agency. And David Dingwall went on to say that ACOA was an unmitigated disaster. What were they worried about? They were worried about patronage.

Why was patronage so bad back then but it tastes so good now?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, under that party's philosophy the rich get richer and the poor get poorer. Those members have said no to the unemployed in Cape Breton. They have said no to assistance for farmers, fishermen and miners. But the Liberal MPs on this side of the House say yes when Canadians are in trouble and that is why Canadians will say yes to Liberal MPs in the next election.

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance):** Mr. Speaker, we wonder if the Prime Minister is looking for a new title, maybe the patronage saint of Cape Breton. Or perhaps he wants to be the godfather of Atlantic Canada. We can read between the lines pretty easily. He is telling the people of Atlantic Canada, "This is the way it works. You do things my way or get nothing". It is like a feudal lord flicking the crumbs off the table, asking people to stand and applaud and they get to eat a couple of them.

Why is he belittling the people of Atlantic Canada by saying that when something happens in Atlantic Canada, that it is just patronage at its best?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, for the unemployed and the poor, the difference between this government and that political party is glaring. This political party says yes to job creation in Cape Breton Island. That party says no to the poor and the unemployed. It does not even say, "Let them eat cake". It says, "Let them starve".

\* \* \*

[Translation]

**HEALTH**

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, once again, the federal-provincial health ministers' meeting did not lead to any progress on the important issue of the restoring of transfer payments.

Is the federal government's stubbornness concerning the health sector not the best example of arrogant federalism and the ultimate in pretentiousness, since it wants to tell the provinces what to do in the health sector when it has no expertise in the provision of direct services to the public?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the ministers of health met in Markham, last week.

*Oral Questions*

We discussed money, but we went beyond the money necessary to save and to strengthen our health care system.

Bernard Landry said a few weeks ago that “The problem in health is not a problem of money, but a problem of planning, of management”. We proposed that governments work together to ensure greater planning.

**Mr. Réal Ménard (Hochelaga—Maisonnette, BQ):** Mr. Speaker, is this dispute between the provinces and the federal Minister of Health not simply part of a strategy for the next election campaign, to allow the minister to present himself as the one who will save our health system? This is shameful.

• (1435)

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, we are only trying to improve the quality of health care everywhere in Canada, including in Quebec.

\* \* \*

[English]

**ATLANTIC CANADA**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, after presiding over the Devco debacle, the Liberals are clearly desperate to win political points in Cape Breton. Using his control over the public purse, the Prime Minister personally travelled to Cape Breton to reap due gratitude for the \$13 million handout to buy jobs for this hard-pressed region.

Why does the government think it can spend other people's money and then brag about patronage at its best?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, if the jobs are not created, the company does not get the money. It does get money, which amounts to 12% of the total wages over a period of five years, if there are full time jobs. A full time job is defined as 40 hours a week for 52 weeks of the year and the wage is 20% higher than the average wage in Cape Breton Island.

That political party should be praising the Prime Minister for the innovative and positive way of creating jobs.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, I think the Prime Minister needs a lesson in whose money this really is.

Today in the House he referred to this as government money. I have news for the Prime Minister. This is not the government's money. It is Canadians' money and they worked darn hard for it

too. Yet we saw the Prime Minister milk this latest grant for all it was worth.

Was this weekend's announcement really about jobs for Cape Breton, or was it about votes for the Liberals?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I would like to quote for the hon. member someone who will tell her which way he will vote next time. “New jobs and new economic opportunities in a new industry have been too long in coming to this part of Nova Scotia. The people of industrial Cape Breton will turn their economy around, given a chance. This announcement today is a good first step in providing that chance”. This is from the premier of Nova Scotia, Premier John Hamm.

Someone else said, “I am a happy man today. Cape Breton really needs this. I have nothing bad to say”. The member for—

**The Speaker:** The hon. member for Saint-Hyacinthe—Bagot.

\* \* \*

[Translation]

**GASOLINE PRICING**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, thanks to the tax on oil companies, the excise tax and the GST, the government is deriving huge revenues from the sale of gas in Canada. Recent price hikes have pushed these revenues even higher.

How can the Minister of Finance decently hide behind the provinces when he has everything needed to take action now?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the member must know that only the GST is tied to price increases. The other taxes remain the same.

Furthermore, as I have already suggested, the provinces are welcome to sit down with us—and it was Quebec's Minister of Finance who said that it takes two governments working together to lower prices substantially.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, there was no mention of that. Furthermore, the GST is not the only factor; taxes paid by oil companies are also going up.

The Minister of Finance should know, as should the member, that the government's surpluses this year could top \$25 billion. So, it has the money to take action immediately.

What is it waiting for to give taxpayers a break and immediately reduce the excise tax on fuel?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, members on this side, including the member for Pickering—Ajax—Uxbridge who raised the point, have been studying this issue closely for months now. And now, suddenly, the Bloc



*Oral Questions*

Quebecois finance critic discovers that there is a problem. We have known for a very long time that there is a problem and we are in the process of doing something about it.

\* \* \*

[English]

**HUMAN RESOURCES DEVELOPMENT**

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, the mismanagement of public money in the HRDC billion dollar boondoggle has Treasury Board officials desperately trying to cover their backsides. It turns out that the senior government department responsible for the good management of our money had no idea how that money was being doled out.

Why is it that the proper control of public money is a priority for the government only after the billion dollar boondoggle hits the newspapers?

• (1440)

[Translation]

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, that is simply not the case. The government has not suddenly started to take an interest in the proper financial management of its programs—it has always done so.

There are policies, and the departments must implement them. Treasury Board is working closely with the departments to help them improve their administrative practices.

[English]

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, if they were following these procedures before, then why did the boondoggle occur in the first place? Rather obviously, that simply is not the case.

The minister has had a long time to address these problems. People in HRDC have known about them for many months. Treasury Board is supposed to oversee the financial control of government money.

Why did the minister wait again until this HRDC scandal hit the newspapers before she did anything? Why the wait? Why now?

[Translation]

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, first of all, internal audits are conducted at Human Resources Development Canada. They are an essential feature of any good management program.

It is as a direct result of this practice of conducting internal audits that the department detected serious program management problems, following which it put in place a plan of action approved by the auditor general. There is every reason to believe that we will correct the existing problems.

**CLONING OF HUMAN EMBRYOS**

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, with the public announcement that the Government of Great Britain was to give the green light to the cloning of human embryos for medical research purposes, we realize that we still do not know the federal government's intended orientation on this important issue.

Can the Minister of Health tell us if he has made any progress in his reflection on this matter, and when he will be in a position to inform us of his position on this vital issue, which is a threat to human dignity?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, we have begun consultations with the provinces, groups and individuals involved. We will be in a position to act after these consultations have been completed.

\* \* \*

[English]

**YOUTH**

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, there has been a number of requests from youth organizations across Canada asking the government to proclaim the first week of May as National Youth Week. I want to ask the minister responsible for youth if she would respond to this request.

**Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.):** Mr. Speaker, this is a very positive suggestion by the hon. member for Ottawa Centre.

We have to recognize the positive contribution made to this country by youth. We also have to recognize that they should maximize the opportunities that are there for them. At the same time we have to recognize there are desperate needs that young people have regarding suicide, tobacco reduction, unemployment. These are challenges that youth face which we have to assist them with.

It is a very good suggestion and we will undertake to review it and get back to the hon. member.

\* \* \*

**HUMAN RESOURCES DEVELOPMENT**

**Mr. Bill Gilmour (Nanaimo—Alberni, Canadian Alliance):** Mr. Speaker, it now appears that the HRD minister had an accomplice in the billion dollar boondoggle. According to the information commissioner, Treasury Board is equally guilty because it did not enforce its own rules.

Why did the President of the Treasury Board refuse to enforce her own regulations, thus allowing the HRD scandal to take place?

*Oral Questions**[Translation]*

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, the Treasury Board Secretariat works constantly in co-operation with the departments. Clearly, when a policy involves transfer payments, each and every department must implement that policy.

Also, when internal audits are conducted in a department and problems are discovered, Treasury Board is notified and it helps the department put in place the tools necessary to correct these problems. This is precisely what is currently going on at Human Resources Development Canada.

*[English]*

**Mr. Bill Gilmour (Nanaimo—Alberni, Canadian Alliance):** Mr. Speaker, I would suggest that the minister have a chat with the information commissioner because he does not agree with what the minister has said. If the minister said what we think she was saying, that there was not a problem in HRD because her ministry took care of it and audits took place, that is simply not the case. The commissioner has said her department is equally responsible, equally accountable. Why did the minister allow it to occur?

• (1445)

*[Translation]*

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, the Treasury Board Secretariat and Treasury Board clearly play an active role in monitoring the implementation of policies in each and every department.

This is what we are doing and, in the near future, we want to do more, to try to provide greater help to the departments to correct the problems discovered during internal audit exercises.

\* \* \*

*[English]***HEALTH**

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, it is regrettable for all Canadians that the Minister of Health failed to make any progress at last week's meeting of health ministers. He failed because the Prime Minister would not let him talk money, even though the Minister of Finance is reported to have said that there are pots of money for health care.

The minister had an opportunity to walk the talk. He may not have been allowed to talk money, but was he allowed to talk privatization? When he met with his counterparts did he look across the table and say directly to Alberta's health minister that the 12 point privatization agreement was off?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, this government knows that as the years go by more money will be required for health care. Indeed, in the last 14 months we have devoted an additional \$14 billion to the transfers available for health in the hands of the provinces.

This government is also aware that it will take more than just money to fix the problem. The NDP is the agent of the status quo. It believes in pouring more money into the existing system. Let me quote Bob Rae, the former NDP premier of Ontario. Last week he said: "Allan Rock is absolutely right when he says that if we are going to put more money in, we also have to deal with the question of reform and not just throw money".

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, is it any wonder that we get a non-answer from the health minister today following the non-event of last week.

I want to be very specific. We are dealing with a crucial moment in the history of health care. We all acknowledge that the health minister's strategy failed. The federal government's plan fell apart. We are one day away from Bill 11 being introduced in the Alberta legislature for second reading. We are at a very critical turning point. Given that Bill 11 is an offshoot of principle 11, will this minister at least do something that no one else can stop him from doing and rip up the agreement?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, I suggested the process that began last week in Markham because I think governments have to work together to plan for the future of medicare. Last week was only the beginning. It will continue. It may take some time.

We will combine what the Prime Minister said, a long term commitment to financing with a long term plan to renew medicare. That is where we are going.

On Bill 11, as I have already told this member and the House, we will respond at the appropriate time when we know what the bill is in its final form.

\* \* \*

**FISHERIES AND OCEANS**

**Mr. Mark Muise (West Nova, PC):** Mr. Speaker, the Minister of Fisheries and Oceans recently announced record high fish exports totalling \$3.7 billion for 1999. This confirms what I have consistently said in the House about the importance of the fishing industry to Canada's economy.

Given the tremendous success, can the Minister of Fisheries and Oceans explain why his government has reduced funding to small craft harbours by almost 50% since taking office, putting at risk our local wharf infrastructure?

*Oral Questions*

**Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I thank the hon. member for his question, which I gave him earlier today. He is absolutely right that exports have gone up to \$3.7 billion.

That is the result of the good work that this government has done since it took power in 1993, unlike the Tories who closed the cod fishery and caused a huge disaster in Atlantic Canada.

With respect to the small craft harbours, the hon. member made representation to me on wharves in his riding. It is very important to make sure that our harbours are well maintained. We are working toward making sure that happens.

**Mr. Mark Muise (West Nova, PC):** Mr. Speaker, this minister takes my questions as seriously as he takes our wharves. It is a joke.

Our wharf infrastructure is crumbling. I already mentioned a number of wharves in my riding that were decimated by a January 21 storm. Many others are in serious need of repair.

When will the Minister of Fisheries and Oceans realize that our fishing communities need proper wharfing facilities if they are to continue to provide this very valuable service to our Canadian economy?

• (1450)

**Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, if the hon. member would talk to his colleague beside him, the member for Beauséjour—Petitcodiac, he would know that I announced \$200,000 for wharf relief just last week.

We are working very hard to make sure that we look after wharves everywhere across Atlantic Canada and across Canada. But there are only limited budgets and we have to make sure that we spend the money of Canadians wisely, and that is what we will do.

\* \* \*

**FOREIGN AFFAIRS**

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, my question is for the Minister of Foreign Affairs.

Having recently returned from a meeting on the conflict in the Great Lakes region of Africa, I know that there is great concern about the resumption of fighting in the Democratic Republic of Congo.

Can the minister tell the House what the government is doing to encourage all sides to fully comply with the terms of the Lusaka peace agreement signed last July?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, to begin with I would like to thank the hon. member for

participating in that conference on behalf of Canada. I think his contribution was very important.

We have taken an active role at the security council. We have put forward a series of proposals and propositions indicating that we would help with the joint military commission, with the dialogue and with the peace process. Through the good contribution of CIDA, we have offered money to help demobilize the child soldiers.

What we are saying is that we are prepared to provide support, but the parties in the conflict have to make the agreement themselves.

\* \* \*

**INFORMATION**

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, every day we find instances where government information is not being professionally managed. Records are not traded when they should be. Records are not properly indexed. These are not my words; these are the words of the information commissioner. He has been ringing the alarm bell for years, especially for the Treasury Board to enforce its own rules and guidelines.

My question is for the President of the Treasury Board. The bell is ringing once again. Why will the government not answer?

[*Translation*]

**Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** It is very clear, Mr. Speaker, that this government and the Treasury Board can undertake to improve existing administrative practices and introduce modern management methods. We must adapt to the new realities.

Every day, we make improvements, but it is very clear that as a result of recent events we are going to review the entire transfer payment policy in the very near future. We are going to increase active monitoring by the various departments.

\* \* \*

**FOREIGN AFFAIRS**

**Mrs. Maud Debien (Laval East, BQ):** Mr. Speaker, today Canada took up its duties as president of the UN security council.

**Some hon. members:** Hear, hear.

**Mrs. Maud Debien:** All signs are that a referendum will be held on the future of the West Sahara in the near future, under the aegis of the United Nations.

Can the Minister of Foreign Affairs confirm for the House that Canada will ensure that the UN's rule of 50% plus one will apply in this referendum, as it did in the case of East Timor and Eritrea?

*Oral Questions*

[English]

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, as the hon. member knows, under the terms of determining the referendum there is an agreement that it would take place with the parties themselves.

Clearly, what we saw in the case of the west Sahara was that there was an agreement between the government in that area and the United Nations. Whereas, we have in Canada an agreement with the Parliament of Canada as to what the proper formula should be.

\* \* \*

**ENVIRONMENT**

**Mr. Dennis Gruending (Saskatoon—Rosetown—Biggar, NDP):** Mr. Speaker, a ship loaded with toxic waste is on the ocean bound for Vancouver and so far the Minister of the Environment has left the door open to accepting this waste if its PCB content falls below a certain level.

The waste comes from an American military base in Japan, but the Japanese will not touch it. The Americans themselves have legislation prohibiting the import of waste PCBs into their country, no matter what the traceable levels. If the Americans will not accept their own toxic waste, nor should we.

Will the minister simply commit to refusing entry of this toxic waste to Canada, no matter what level of PCBs it contains?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, I thank the hon. member for his question.

The shipment in question is currently in the United States in a port in California. We are discussing with the department of defence as to how this may be handled. I believe it will visit another American port before coming to Canada and we hope that the American authorities, as the hon. member suggested in his question, will be willing to take this waste into the United States.

\* \* \*

● (1455)

**TRANSPORT**

**Mr. Bill Casey (Cumberland—Colchester, PC):** Mr. Speaker, my question is for the Minister of Transport.

The last testing which the Department of Transport did on seatbelts in school buses was 16 years ago. Since that time five states in the U.S. have made seatbelts on school buses mandatory. Thirty more have pending legislation on seatbelts for school buses.

Does the minister have any intention of bringing Canada up to standard on the school bus seatbelt issue?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, I recognize that some jurisdictions have made seatbelts mandatory for school buses, but our officials at Transport Canada, who are world renown in their testing and methodology, are not yet convinced that making seatbelts compulsory in school buses would be in the public interest. We have to balance off the fact that even worse results could come from such accidents if young children were belted in and unable to get out in a very difficult situation. This is something which requires further study.

\* \* \*

**AIRLINE INDUSTRY**

**Mr. Lawrence D. O'Brien (Labrador, Lib.):** Mr. Speaker, my question is for the Minister of Transport.

I understand that Air Canada has launched its new schedule. Can the minister tell the House if these new services will deal with the overcrowding experienced on recent flights since the airline restructuring began?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, there have been a lot of concerns expressed by members of the House, especially from Atlantic Canada and western Canada. The president of Air Canada assures me that the new schedule which came into effect last night will deal with these particular problems.

We will be shortly announcing the appointment of an independent monitor to look at the entire restructuring process and also a new international charter policy which will not only provide greater opportunities for overseas services but also enhance domestic competition.

Bill C-26 is now before the House and I invite hon. members to help us design ways to better protect the consumers in the airline restructuring.

\* \* \*

**ACOA**

**Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance):** Mr. Speaker, it is interesting to see the change of heart of the Minister of Veterans Affairs when it comes to ACOA.

When the party of Clark introduced it in 1988 he called it the Atlantic Canada overblown agency. The current heritage minister and the Deputy Prime Minister voted against it, and several others voted against it.

Why was it so bad then and so good now?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, for weeks and months now the Reform-Conservative alliance has been demanding an end to all federal programs that have to do with creating employment in high unemployment

areas, where people are on EI and we see a great many poor people with children.

This party has now gotten itself a niche in Canadian political philosophy, and that niche is solidly to the right of Attila the Hun.

\* \* \*

[Translation]

### RCMP INVESTIGATIONS

**Ms. Caroline St-Hilaire (Longueuil, BQ):** Mr. Speaker, for the past few months, the RCMP has been asked to conduct several investigations, including nearly 20 on the files of the Department of Human Resources Development and a major one on CINAR.

My question is for the Solicitor General. Could he tell us whether he intends to make the reports of the investigations public when he gets them?

[English]

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, if there is a complaint made to the RCMP and the RCMP investigate the complaint, that is the responsibility of the RCMP. The solicitor general does not, nor does any other minister, tell the RCMP how to conduct an investigation or what to do with investigations.

\* \* \*

### FOREIGN AFFAIRS

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, my question is for the Minister of Foreign Affairs.

Canada will preside this month at the security council with a focus on human security. Will Canada finally speak up for the security of the people of Iraq, where over 500,000 children have died since 1990 as a result of inhumane UN sanctions? Will Canada call for the immediate lifting of these genocidal sanctions as recommended by former UN humanitarian co-ordinators Denis Halliday and Hans von Sponeck? Will we stop calling for studies and call for action to lift these sanctions now?

• (1500)

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, as the hon. member probably knows, there was an agreement reached this weekend to provide additional access to \$250 million for new equipment to go into Iraq so it can expand its oil pumping capacity.

Furthermore, one of the initiatives we have taken is to do a major review of all sanctions policy, including a case study of Iraq. We will be tabling this at the security council in about mid-April and then asking the council to have a major examination debate on the application and utility of sanctions, both the effect on the humanitarian civil side and how it tries to compel the behaviour to the

### Routine Proceedings

standards of the United Nations. It is that balance that we have to maintain as part of the Canadian approach to human security.

## ROUTINE PROCEEDINGS

[English]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Orders 36(8) I have the honour to table, in both official languages, the government's response to 11 petitions.

\* \* \*

### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour to present the 23rd report of the Standing Committee of Procedure and House Affairs regarding the associate membership of the Standing Joint Committee on Official Languages, and I should like to move concurrence at this time.

(Motion agreed to)

\* \* \*

### PETITIONS

#### HUMAN RESOURCES DEVELOPMENT

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, I have the privilege to present a petition signed by some 225 Canadians, residents of Vancouver Island, Calgary and Red Deer, who are overtaxed and demand that the Department of Human Resources Development account for its gross mismanagement of \$3.2 billion annually.

The petitioners call for the resignation of the Minister of Human Resources Development and ask that the auditor general conduct a full and independent inquiry into HRDC mismanagement and accounting practices.

• (1505)

#### CANADA POST CORPORATION

**Mr. Charles Hubbard (Miramichi, Lib.):** Mr. Speaker, I have three petitions from Canadians who are concerned with the working arrangements of Canada Post drivers in rural areas. They petition parliament to repeal subsection 13(5) of the Canada Post Corporation Act.

IRAQ

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I have the honour to present a petition signed by hundreds

*Government Orders*

of residents of British Columbia including my own constituency of Burnaby—Douglas on the subject of sanctions in Iraq.

The petitioners note that the sanctions are genocide as defined by the convention against genocide and take several hundred more lives each day, and that collective punishment is prohibited by international law.

They point out that one-fifth of the Iraqi population is currently starving to death in Iraq and 23% of all children in Iraq have stunted growth according to the UN FAO, and that the international law prohibits the use of starvation as a weapon even in times of war. They note that between August 1990 and August 1997 over one million Iraqi children died of embargo related causes according to UNICEF.

Therefore the petitioners call upon parliament to do two things: to recall all Canadian military personnel and equipment now taking part in the blockade of Iraq, and to use all possible diplomatic pressures to urge the UN to end the sanctions against Iraq.

## CHILD POVERTY

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, I have three petitions to present. One of them from the town of Carstairs deals with parliament fulfilling its promise of 1989 to end child poverty by the year 2000. It is falling way behind in that regard and the petitioners petition the government to do so.

## BILL C-23

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, I have two more petitions that come from the areas of Cochrane, Beiseker, Acme, Strathmore and Airdrie. These are hundreds of signatures to be added to the thousands already on file calling on parliament to withdraw Bill C-23 immediately.

## CHILD PORNOGRAPHY

**Mr. Mark Muise (West Nova, PC):** Mr. Speaker, pursuant to Standing Order 36 I would like to present two petitions on behalf of my constituents who pray that parliament take all measures necessary to ensure that possession of child pornography remains a serious criminal offence.

## BILL C-23

**Mr. Mark Muise (West Nova, PC):** Mr. Speaker, I have three other petitions from my constituents who pray that parliament withdraw Bill C-23, affirm the opposite sex definition of marriage in legislation and ensure that marriage is recognized as a unique institution.

**Mr. Eric Lowther (Calgary Centre, Canadian Alliance):** Mr. Speaker, I present a petition today. Signatures are coming into my office at a frantic rate of some 800 to 1,000 a day.

The petition calls upon parliament to withdraw Bill C-23 in light of the motion that was made on June 8, 1999, in the House to affirm and secure the definition of marriage. In light of what Bill C-23 does the petitioners call on parliament to withdraw it.

## CHILD POVERTY

**Mr. Paul Steckle (Huron—Bruce, Lib.):** Mr. Speaker, pursuant to Standing Order 36 I have hundreds of petitions to present which are signed by residents of my riding.

The petitioners remind us of the commitment made in 1989 with regard to child poverty in Canada. They ask us to make good on that commitment.

\* \* \*

## QUESTIONS ON THE ORDER PAPER

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I ask that the remaining questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## GOVERNMENT ORDERS

[English]

## MODERNIZATION OF BENEFITS AND OBLIGATIONS ACT

The House resumed consideration of the motion that Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations, as reported (with amendment) from the committee, and of the amendments in Group No. 1.

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance):** Mr. Speaker, it is pleasure to speak to the bill today although, as has been noted in petitions already, there are many people who think the bill should be sent back to the drawing board for a real working over. I happen to be one of those who think that the bill, however well intentioned the government may believe it is, has opened up some ambiguities and some problems which we will basically have to leave to the courts to solve in the days to come.

It is always unfortunate when parliament drafts legislation that is so ill defined and so poorly drafted that basically we have to throw it open to the courts and say that it is too big an issue for us and ask those folks to deal with it in round two. That is exactly what will happen with the bill.

• (1510)

I want to make three points about the bill. Much has already been said about the status of the bill from the perspective of the official

*Government Orders*

opposition, but let me just make three points that I would like to add to the debate.

First, the bill is called the modernization of benefits and obligations act, but before it was even brought to the House of Commons for debate it should have been preceded by a healthy debate both in the House and in committee on the future of government benefits in general.

It seems to me to say that we are modernizing benefits when basically we are throwing open the terms and definitions to interpretation by the courts is not modernizing at all. It is opening up a Pandora's box. It is opening up a can of worms and leaving it to someone else to interpret down the road.

It is not modernizing benefits. It may be trying to modernize language. It may be trying to respond in some way to earlier court rulings and all sorts of things, but it is not about modernizing benefit. That debate has never taken place. The debate that should have taken place in the House and in committee has never taken place. I would argue that it should have been sent to committee for extensive review.

When I first came to the House I sat on a joint Senate-Commons committee that reviewed Canada's foreign policy. We travelled not only within but outside Canada to get a perspective of where to go with the future of Canada's foreign policy. It was a big issue and it deserved a good hearing because it had not been done for quite some time. Times change and the world situation changes. It deserved a good hearing and a good airing both here and in committee.

We spent a year on that committee travelling, interviewing Canadians, debating the issue and talking about what a modern foreign policy should look like. We came up with many ideas that we gave to the government and asked it to bring forward in legislation and in policy.

The single biggest issue facing most Canadians is government benefits. It is bigger than foreign policy for most Canadians. It is bigger perhaps than any other debate with which the House will ever be seized. The future of all benefits paid out to individuals; the future of all benefits paid out through the Canada health and social transfer; the future of benefits paid out through grants and contributions; the future of benefits paid to individuals, transfers to individuals; and the future of the pension system, who is eligible for welfare and how we will have mobility between the provinces, should have been debated and had a good hearing in the House and in committee. That was not done.

If people come up with ideas they throw them on the table and say, for example, that maybe we should have registered domestic partnerships. At first blush it seems maybe that has some validity and maybe there is some future to the idea, but it cannot even be brought forward in this debate because there is no opportunity.

There has been no broad discussion about the future of benefits paid in general by the government to all Canadians.

The first big failing with the bill is the lack of consultation. The committee on Bill C-23 never left these hallowed halls. It never travelled one foot out of these hallowed halls. It never met with Canadians. It never talked to the provincial ministers involved. It never met with groups concerned with the constitutionality of it or groups concerned with the future of family benefits. None of those discussions took place.

It is not correct to say that we have all the answers in the bill. We never talked to interested provincial people, interested family groups or people interested in the future of registered domestic partnerships. None of those consultations took place. That is a gross failing of the bill. We will reap the whirlwind down the road because we have not addressed the huge number of concerns people have raised and now feel compelled to send in on petition forms asking us to withdraw the bill and get it right.

If the government pushes the bill through, we will not be getting it right. We will be back into litigation. We will be back into the courts. We will have intervener status all around for everyone from provincial governments to interested groups. It will be a lawyer's heyday, which is very unfortunate.

The second problem I have with it is the poorly defined terms within the legislation. When ministers of the crown come before the committee and give conflicting testimony as to the definitions that will guide this bill in the days to come, we can imagine what the courts will do with it. When one minister says conjugal relationship means a sexual relationship and another senior minister says that it is not about that at all, it is just about having a certain degree of relationship that will be called conjugal, we can imagine the first court case. I can see it coming.

● (1515)

Someone will say, "I do not have a sexual relationship with the person I am living with but I believe I have a conjugal relationship because no one has defined it". Where are we going? We are going to the courts. This legislation will end up in the courts. It will cost a pile of money.

Instead of defining it as Canadians would like it defined, or even as the House would like it defined, it will be defined as the courts want it defined. I do not blame the courts for this. Once again the government has weak legislation that is poorly defined. It throws its hands in the air saying it is too big of a job for the government and throws it back into the bailiwick of the courts. The courts to give them credit must deal with it and they will deal with it.

That is not the proper forum. The proper forum is this place. There needs to be a good healthy debate, lots of witnesses and lots of input. We could make amendments and changes back and forth,

*Government Orders*

give and take, and come up with better legislation that will pass the test of a court challenge. People will be able to say not only did the ministers all agree for a change, but also parliament agreed that this is the best way to move forward on benefits for all Canadians.

The third thing I bring forward has to do specifically with the problem this legislation will have because of a late edition amendment the justice minister has made to the preamble of Bill C-23. The minister, responding to pressure from her own backbenchers and from Canadians, has thrown in a definition of marriage. It is a definition with which I heartily agree, but she has done it in the preamble of Bill C-23 and has refused to amend the actual statutes themselves.

It is a great public relations ploy on one hand but it is hard to imagine a weaker affirmation of what I guess is the government's intention on marriage. It is a weaker interpretation of what the House instructed on the definition of marriage in June 1999 when it said that a marriage is the union of a man and a woman to the exclusion of all others. All members of the House approved that definition and said that we should take all necessary steps to make sure all future legislation reflected that. Instead of putting it into the statutes as she should have, the minister in an attempt to deflect some of the criticism put it into the preamble of the bill and hoped that would be good enough.

We have obtained a legal opinion from Dr. David Brown who is a partner in a civil litigation department in a Toronto law firm and practises commercial and corporate litigation and administrative law. He is a sessional lecturer at the faculty of law at Queen's University and has been teaching law since 1989. He is a senior advocate and a seminar leader at the Ontario bar admissions course. He is an acknowledged expert in this field. He said:

If parliament intends to state that, as a matter of federal law, "marriage" is the "lawful union of one man and one woman to the exclusion of all others", then in my opinion [the minister's amendment] does not achieve that objective. As previously stated, [the minister's amendment] is not an enacting section; it will not bring into force any legally binding definition of "marriage". By contrast, if the bill was amended to enact a definition of marriage for each of the particular acts referred to in the bill, then parliament would be giving a clear indication of its intention to the courts and to the public at large.

That is what the Canadian Alliance is attempting to do. That is what our report stage amendments are designed to do. We followed the advice not only of some of the finest litigation and legal experts in Canada but we have also followed the advice of Canadians who have said to put the definition some place where it matters. Let us give direction to the courts instead of letting the courts give direction to this place.

Approval of our amendments will strengthen the bill. It will give the direction the minister says she wants in the bill. It will be doing all Canadians a favour both now and in the future in litigation.

• (1520)

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I rise in the House today to speak in support of the amendments put forward by the member for Burnaby—Douglas.

I am proud to be from the riding of Vancouver East. I have had a lot of phone calls, e-mails and correspondence from gays, lesbians and straight people, constituents who have been in favour of Bill C-23. They saw it as a positive, progressive and long overdue move by the government to recognize equality for gays and lesbians in terms of modernization of benefits and so on.

Given the events of the last week or so, it has been a shock to see how the government at the 11th hour has begun to renege on the original intent and spirit of Bill C-23. It is caving in to what I think is clearly a minority viewpoint coming from the Reform Party and some people in the community. It is very disappointing to see the government cave in at the very end and in effect undermine the fundamental value and point of Bill C-23.

I wholeheartedly support the amendments that were put forward by the member for Burnaby—Douglas. Those amendments are our attempt to put this bill back on track and to say to the government that there was a clear intent with Bill C-23. That is what we should keep in mind here. We should not be sidelined and sidetracked by all of these other political debates.

In listening to the debate today I have been truly dismayed and shocked by some of the comments that have been made by members of the Reform Party.

**The Deputy Speaker:** It is the Canadian Alliance.

**Ms. Libby Davies:** Mr. Speaker, I have been trying to figure out what the alliance is. An alliance implies that one is in alliance with other partners. I do not exactly see people beating down the doors. It seems like it is the same old Reform Party.

In the debate earlier today, the member for Yorkton—Melville spoke about Bill C-23 implementing special rights. He said that children will suffer. I find this to be quite outrageous and insulting.

I would like to know from the Reform Party, the new alliance, how it constitutes this as special rights. It seems to me that in the debate on Bill C-23 it is using exactly the same tactic it used when we debated the Nisga'a final agreement. It used this tactic fairly successfully in trying to divide Canadians, in trying to say that there are different statuses, different rights and special interests.

We have to stand today and say that the intent of this bill and why it was introduced was to live up to the charter of rights, to live up to the name, the spirit and the implementation of equality for



*Government Orders*

gays and lesbians. That is something every single member of the House should uphold and be proud to uphold.

To characterize this now as special rights and that somehow children are going to suffer, the member owes the House an explanation as to how children are going to suffer as a result of this bill. That is what he said. Children are certainly suffering because of poverty. They are certainly suffering as a result of neglect. But they are not suffering as a result of what the provisions are in Bill C-23, or by living in families or communities where there are same sex couples.

I want to call the member on this issue. That kind of debate is inflammatory and divisive. It portrays a very narrow, intolerant, and I would say a very hateful viewpoint which is aimed and targeted at minority members of our community. What the Reform Party members are really saying about Bill C-23, just as they said about the Nisga'a treaty, is that anyone who does not agree with its narrow and very traditional view of the family is not to be afforded equality.

The member for Yorkton—Melville went even further in his attack. He went on to attack common law relationships. He talked about people shacking up and that common law relationships were generally characterized by domestic violence and children were abused and neglected. I could not believe I was hearing that kind of assault on common law relationships in the House of Commons.

• (1525)

I was involved with my husband for almost 25 years in a common law relationship before he died in 1997. I am insulted by what that member had to say against all Canadians who for whatever reason or choice decide to be in a common law relationship.

The remarks today were offensive to gay, lesbian and straight couples. They portray the arrogance of that party and its members in imposing their moralistic, bigoted and, I would say, hateful views on other members of Canadian society. We should reject that. If we believe in the charter of rights and equality, then we should say that is something we are going to implement in terms of pensions and benefits.

In terms of the amendments that are before us and what happened at the committee, I question why members of the government are caving in on this. We can see what is happening. We have heard other members in the official opposition say that they agree with the amendment of the definition. This is something that has never been defined in other statutes. In fact, not only are they calling for this definition of one man and one woman to the exclusion of all others, but they are now calling on the government to amend all statutes, all legislation, to that effect.

This reflects the real intent of the official opposition and what it is trying to do to take the debate away from the provision of

equality. Those members are trying to move the debate to a ground of morals which they want to use in order to create division in our society.

I am proud to say that our party has always stood for equality. We have always respected, accepted, encouraged and supported diversity in our society. What we may see as a traditional family may be something different to someone else. What we may see as a conjugal relationship and what we may see as a loving, caring relationship of two people, are different things for different people. This party has respect for and commitment to that. I abhor the fact that the government has apparently started to backslide and is undermining its own bill in an attempt to play the political game the Reform Party is putting forward.

Our amendments are put forward to put this bill back to where it should be and that is on the modernization of benefits and not a debate about marriage, not an exclusion of people, not a definition that says one is legal and another is not. This debate should be about equality. I urge government members to reflect upon what the original intent was and not to cave in and cater to the very narrow interests that are being put forward.

It is very clear that in talking to the Canadian people, we would find that most Canadians accept, understand and want to see those equality provisions extended. They do not agree with the kind of bigoted, narrow-minded definition that has come forward from the Reform Party.

I hope the amendments will be considered and supported in terms of the original intent of Bill C-23.

**Mr. Werner Schmidt (Kelowna, Canadian Alliance):** Mr. Speaker, I rise to debate the amendments in Group No. 1 on Bill C-23. I will debate essentially three aspects of these amendments.

The first has to do with the matter of definitions. In fact I would like to suggest that the purpose of the amendment is to focus on the definition of marriage. That is the purpose of the amendment.

• (1530)

I think we would agree with a lot of things about this amendment. I know I certainly would. The suggestion that this is the union of a man and a woman to the exclusion of all others is consistent with the June 1999 motion in the House.

After looking at these amendments I asked myself what all the fuss was about with the definition. Why should we care so much about the definition? I recalled back to a day when I was in grade eight. The teacher came into the class and said "Class, I would like you to take out a clean sheet of paper and write at the top of the page the word science". He then asked "What is science?" Science is the orderly arrangement of knowledge. After having gone through this in grade school, while taking several courses in

*Government Orders*

organic chemistry in university, I asked a professor to define science, and he did. Guess what he said? He said that science was the progressively explicit organization of knowledge.

There we have it. What is in a definition? A definition tells us clearly what a thing or an element is and what it is not. It defines something as being exclusive from all other things.

One of the major contributions that Mendeleev made, for example, was to categorize the various elements, to show the various atomic weights of these elements and in what order, the valences of these chemicals and what they had, and how they would unite with one another. It was the degree to which one could specify in detail what each of those elements were, what each of the definitions are and how they work that progressed science.

As we define things more and more clearly, we are progressing. That is not regressive. The suggestion is being made that by modernizing we can somehow expand the definition of marriage. That is not the point. That is precisely why we have insisted that the definition of marriage be included, not only in Bill C-23 but also in subsequent legislative bills that this particular bill proposes to amend.

Not only does definition allow us to recognize what a thing is and, by that very recognition, what all other things are not that particular issue that we are talking about, there can be all kinds of other arrangements. There can be common law arrangements, gay arrangements and liaisons of a variety of natures. They are just simply liaisons and they are different from marriage. They are not marriage. To expand marriage to include that would, it seems to me, confuse the issue rather than clarify it.

What is being sought here is a clarity, to make abundantly clear to everyone that this is what marriage is. That means that any other relationship simply is not marriage. It seems to me that is very fundamental. That is why it is so essential that we focus on the definition.

We could go on at great length to determine what the other significant aspects are of a clear definition. One of the most significant aspect is to clearly identify how things relate to one another and how they differ from one another. This does not mean that they are not equal. A toe is not the same as a thumb. The head is not the same as a leg. However, they are part of a body. As we define these things, we begin to recognize how they relate to one another, and similarly in marriage.

The marriage definition clearly identifies the relationship between a man and a woman to the exclusion of all others and that this be a lawful arrangement as to the exclusion of all others. It is abundantly clear that is what is being proposed here.

The difficulty arises when we confuse the definition with something else that it begins to mean something different. It is

expanded to the point where relationships become confused and where in fact it is not clear any more what ought to be the situation with marriage as compared to any other situation.

We need to recognize that equality is essential and will only happen if and when we have clear definitions. If not, what happens? It means that if we have clearly defined something we can then go to a judge and to any other part of society and say what we mean. The judge would then not have to interpret it differently in one case from another case, from a different situation. It can then be applied across the board. The judge can be consistent, equal and fair in all those cases.

• (1535)

I believe it was the Parliamentary Secretary to the Minister of Justice who suggested that the only reason why this was happening was because the supreme court said so. If there was ever a role for the House, it was to clearly define what we mean in the legislation that we write. The last thing we should do is let the courts tell us what we mean in any legislation. We should tell the court what we mean without equivocation and without interpretation. The judge then has to interpret the application of that law in particular cases. If the definition is clear, he can do so consistently with equality, justice and fairness. That is what we need.

What happens if we do not have a clear definition? It is very interesting to see what happens. First, there is confusion. What is it we are talking about? If that is the issue, then it is abundantly clear why this particular amendment should come forward.

In this connection, I will refer, as my hon. colleague did just a moment ago, to an interpretation of a rather respected law professor at the Osgoode Hall Law School, a practitioner in law and a man who has presented various cases before judges. After a very careful and studied analysis, he came to a conclusion and said:

If Parliament intends to state that, as a matter of federal law, "marriage" is the "lawful union of one man and one woman to the exclusion of all others" then in my opinion (the Minister's amendment) does not achieve that objective. As previously stated, (the Minister's amendment) is not an enacting section—

Those watching must be wondering what in the world that means. It simply means that this does not enact that definition in each of the subsequent pieces of legislation. In other words, it may have force or it may not have force. It is a matter of opinion, a matter of interpretation. The definition of marriage should not be a matter of interpretation, which is essentially what this legal mind has said.

The gentleman goes on to say:

—it will not bring into force any legally binding definition of "marriage". By contrast, if the Bill was amended to enact a definition of marriage for each of the particular acts referred to in the Bill, then Parliament would be giving a clear indication of its intention to the courts and to the public at large.

*Government Orders*

Can anything be more clear and unequivocal than that kind of statement? That is what we are asking the government to do.

The hon. member for Vancouver East stated that we are not speaking consistently with what people are saying. I certainly am speaking consistently with what my constituents are saying.

I was in my constituency last Friday and I asked how many calls, letters, faxes and e-mails we had received in support of Bill C-23 and how many we had received in opposition to Bill C-23. I was told that they had not counted the number in support of the bill because there was only one in support of it. We have not yet been able to count the numbers opposed to Bill C-23. Is that not pretty clear? Only one person out of almost 125,000 voters in the area supports the bill. By far, the majority of people are not in favour of Bill C-23 as it is being proposed.

In the interest of building and making a better piece of legislation there are two possibilities. The first is to amend it so it does what the government is intending it to do. I encourage the government to do that. The second is to withdraw the bill until it can be studied and until the people of Canada can express themselves, as they have to me, as they have to my hon. colleague for Calgary Centre and as they have to many of the other MPs in the House. Do it.

We are not here to condemn the government. We are not here to oppose the government. We are here to give to the people the kind of legislation and the organization of marriage and of families that will make our society stronger and will make Canada stronger. On the basis of that, the family is the strength of the nation.

• (1540)

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, this is a very difficult debate. I think the reason it is so difficult is because no matter whether we support or oppose the bill, the government drafters have put members of parliament in a position where they have to be against something. If we support the bill, there are strong concerns that we are against the preservation of one of the key institutions of our society and are weakening it. If we oppose the bill, there are assertions that we are against equality and against being fair to people in this country, particularly minorities.

This is a very difficult issue for members of parliament. From what I have heard, there is sometimes more heat than light in this debate, which is very unfortunate. As members of parliament, we do want to do what is right, what is best and what is fair for the people of this country.

I have a few remarks to make which I hope will add more light than heat to the debate and will help us as members of parliament and as Canadians to make a good judgment about this matter.

The key concern about Bill C-23, which is the same sex benefits bill, seems to be that marriage is being fundamentally changed in the context of public policy. Because marriage is one of society's most fundamental institutions, we have a legitimate obligation as members of parliament to very carefully examine this concern.

I did not speak on the first reading of the bill. I have not taken an active role on this particular issue to date because, as most people know, I have been very busy in my critic area talking about the mismanagement of public moneys in the human resources department.

Notwithstanding the fact that I have been somewhat absent from the debate, my office in Calgary received 110 calls, letters and e-mails on this subject since the bill was introduced. Those were, to a large extent, unsolicited by anything I did or said. Of those 110 calls and letters, many of which were very strongly worded, my office tells me that only one or two were in support of Bill C-23.

As a member of parliament and as a representative of the people of Calgary—Nose Hill, I am obliged to take that very seriously. I will read from one of the e-mails that I received which, in my judgment, is representative of the concerns that my constituents brought forward. The e-mail from this constituent mentions three serious concerns about the legislation. In different variations of language, I have heard this in the e-mails, letters and calls that I received.

The first concern was that "this law will eliminate all meaningful distinctions between marriage and same sex relationships". The constituent goes on to say that "we should be strengthening the institution of marriage, not relegating it to a list of options for obtaining government benefits". That was the first major concern I heard from my constituents and from people all across the country.

The second concern was that "the bill disregards the deeply held beliefs of millions of Canadians, including Christians, Jews, Muslims, Sikhs and many other faith groups". This is a very difficult area. Some of the statements and some of the critique of the bill made from the faith perspective have been severely criticized. Some of the perspectives from faith groups have been very strongly stated. These are very deeply held values for many people and sometimes their statements are very unfairly criticized.

• (1545)

We just heard a speaker from the New Democratic Party use words like bigotry, intolerance and hate. When views are expressed from a faith perspective on behalf of millions of Canadians, whether they are expressed as temperately as they might be, they have questions that are fair to ask. Labelling their deeply held values as hate, bigotry, intolerance and reprehensible in a free and democratic society should be viewed as very troubling.

*Government Orders*

We have an obligation, whatever our viewpoint, to debate an issue and to approach it in a very reasonable, logical and temperate way, respecting each other and other viewpoints. To label viewpoints, as people on both sides of the debate have tended to do, is unfortunate, unhelpful and destructive in our society.

I would urge members of the House to understand the feelings on both sides of the debate. The feeling of some groups in society is a feeling of not being treated equally or fairly. Those feelings are legitimate. We need to be respectful of the concerns of other members of society about the values that they hold and about the structures of our society.

My constituent mentions a third concern: "This is a radical change to our legal, social and moral traditions. Such significant changes require that there be ample opportunity for all Canadians to express their views before this bill is passed".

This has been a continuing concern about the bill, that it is being put forward quickly, without very broad public consultation and debate. Closure was introduced on this bill already. If we are bringing forward measures which affect the fundamental structures of our society and are causing the kind of concern I have seen, then we as members of parliament owe it to the public to have a full hearing before these kinds of changes are made.

On only one other issue have I received such a number of calls, letters and e-mails. That was on the proposed bail-out of professional hockey. I do not know if one would call that a fundamental institution of our society; however, it did bring a lot of public comment when government intervention was proposed.

There has been an assertion by the government that an amendment brought forward by the Minister of Justice would ensure that the definition of marriage in our society would not change. As is known from others who have intervened in this debate, there is legitimate concern about how reliable the minister's assertion is on that point.

As has already been pointed out, one of the senior constitutional lawyers in the country provided an opinion which stated "If parliament intends to state that, as a matter of federal law, marriage is the lawful union of one man and one woman to the exclusion of all others", which is what the minister says she is stating with her amendment, "then in my opinion the minister's amendment does not achieve that objective".

We know that there can be a battle of legal opinions. I am sure there will be in court cases on this. However, members of parliament should take seriously the concerns that are raised, backed up by very reliable legal opinion. If we are going to change or interfere with the centuries-old tradition of marriage, then we should do so with full public debate, with a full definition of what we are doing,

and we should certainly do that only with the concurrence of the majority of members of our society.

• (1550)

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, it is my pleasure to debate Bill C-23. As my colleague has just pointed out, this is a very important issue. I do not think there is a member of the House who has not received a lot of correspondence on this issue.

The people of my constituency of Medicine Hat have spoken with one voice on this issue. They have made it very clear that they are fundamentally opposed to Bill C-23.

As my colleague has pointed out, we have had a tremendous amount of correspondence, more on this issue perhaps than on any other issue. I want to make it very clear that when I speak today I am speaking on behalf of, I believe, a huge majority of people in my riding who have serious concerns about Bill C-23.

Why are Canadians concerned about Bill C-23? That is the question we need to answer. I would argue that the reason people are concerned about Bill C-23 is that it would change the fundamental institution of marriage by stealth. There is no big open debate. We have not had a committee travel the country to gather input from Canadians on how they feel about changing the definition of what is one of the most fundamental and important institutions, not just in Canada but in all of civilization.

As we have known it in this place until recently, the definition of marriage is the union of one man and one woman to the exclusion of all others. That is the tradition that Canadians hold very important. It is part of our tradition. What is tradition? As Chesterton said, it is the democracy of the dead. It is the pronouncement of all the generations which have gone before. They said that tradition dictates that the union of one man and one woman to the exclusion of all others is the definition of marriage.

Now the government, in reaction to a court decision, is preparing to change that. We offered it the tools to set aside marriage and to protect it so that it would not be redefined by this legislation, which leaves open the possibility that the definition of marriage would be changed ultimately by courts. When we offered it the chance to protect marriage, what did it do? It refused.

In my mind what it has done, very disingenuously, is offered an amendment to its legislation which would give the appearance of protecting marriage and all of the various statutes affected by this omnibus bill, but in reality it would not protect marriage at all. In fact, we have a legal opinion which states that. My colleague just mentioned it, but I will mention it again because it really boils down to this.

*Government Orders*

As I said at the outset, this will end up in the courts. That is where this will be decided. Let us listen to what constitutional experts are saying. This opinion is from David M. Brown who is a partner in Stikeman Elliott. He is a constitutional lawyer and a eminent scholar of these sorts of issues. He said:

If Parliament intends to state that, as a matter of federal law, “marriage” is the “lawful union of one man and one woman to the exclusion of all others,” then in my opinion (the Minister’s amendment) does not achieve that objective.

He goes on to say:

As previously stated, (the Minister’s amendment) is not an enacting section—it will not bring into force any legally binding definition of “marriage”. By contrast, if the Bill was amended to enact a definition of marriage for each of the particular acts referred to in the Bill, then Parliament would be giving a clear indication of its intention to the courts and to the public at large.

Again, that is David M. Brown, a constitutional scholar and expert giving his judgment of what the government is proposing in the legislation. I point out that he makes reference to the fact that if there were a specific definition attached to every statute, then it would be clear and the courts and the public would understand that we are proposing to set aside this definition of marriage as it is traditionally understood.

• (1555)

The government has refused that. Government members across the way have refused it. Some in the past have spoken up and said “We believe that we should have that definition in the bill”. Now some of them, I believe, have been mollified by this red herring, straw man, or whatever it is, in what amounts to the preamble of the legislation which Mr. Brown, the constitutional expert, said would have no impact on really protecting the definition of marriage.

It is a chimera. It does not exist. There is no protection in this legislation for marriage as we traditionally know it. That is the first point that we want to make.

The second point is that the benefits which would be extended would be extended on the basis of conjugal relationships. What does conjugal relationship mean? It does not say in the legislation. In the Oxford dictionary it says “Of marriage or the relation between husband and wife”. In this legislation conjugal seems to mean, I guess, any kind of sexual relationship between any two people. That is what it seems to mean. It is vague. The justice minister interpreted it one way. The Secretary of State for the Status of Women interpreted it in a different way. It is important that Canadians understand exactly what the government is getting at. Again, the legislation in my mind is left ambiguous as part of the government’s strategy. That will leave it open for the courts to decide in the future, which I think is wrong.

I think we abdicate our responsibility as legislators when that sort of thing happens, but it happens all too often when it comes to

this government. We are legislators elected by the public to decide these issues. We should decide them based on clear definitions. We should establish the definitions. We should talk to the public and find out where they are on these issues. We should not try to essentially sneak legislation through and call on the courts to decide for us later. That is an abdication of our responsibilities, and it is wrong. That is another reason we should be concerned about this legislation.

I want to shift gears for a moment and touch on something which others have touched on, which my colleague from Calgary—Nose Hill touched on a minute ago, and it is on the language that surrounds this debate. Every legislator here wants to do what is right in their mind. They want to do the right thing. We should be mindful of that, even if we profoundly disagree with other people’s points of view.

I absolutely reject some of the language I have heard coming from some of my colleagues in this place who say “When you oppose this you are hateful” or “you are intolerant”. What does tolerance mean? Let us get to the bottom of that.

In my mind it means when we honestly are prepared to hear another point of view; suspend our own judgment, our own feelings on the issue for a moment and hear the other point of view. After we have heard it, considered it and thought the thing through, then we make a judgment. We decide one way or the other.

It does not mean that we are indifferent to what goes on, which is what some members seem to imply. They seem to say that we should be indifferent, that we should not respond when someone wants to do something which fundamentally, in this case, would change the definition of marriage. If we respond in the negative, then we are intolerant. That is crazy. We have to do our job as legislators. That means carefully thinking these things through and making a judgment ultimately.

When we make a judgment, that does not mean we are hateful or intolerant; it means we have decided. We have made a judgment, which is what we are called upon to do as legislators.

I urge those who are suggesting that people who do not agree with them are intolerant or hateful to lose that language and get down to the serious job of debate. If they do not like what they hear, I suggest they debate the issues instead of throwing words around which is so easy to do and which cuts off debate. I think that is what we are called upon as legislators to do.

• (1600)

I will summarize by saying that the people of my riding are profoundly opposed to the legislation. The definition of marriage as it has served us well for millennia, for all of civilization. The

*Government Orders*

people in my riding intend to keep it that way. They want to preserve that definition. I am doing my job today as I stand up for the people in my riding. It is certainly in accord with my own personal views when I say that we must preserve this definition of marriage. It is fundamental to society. I urge members across the way and around the House to vote in opposition to Bill C-23.

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, it is my pleasure to speak to Bill C-23 at report stage today. I want to start by congratulating the member for Calgary Centre who has done such an excellent job of working on the bill for us. I know I can extend those congratulations on behalf of myself, my colleagues and certainly all people in my constituency who have contacted me about the bill. They show a lot of respect for him and for the great job he has done.

It appears through the legislation that the government has decided it wants to talk about the private sexual activities of Canadians. We have to go back some time in history and think about what Mr. Trudeau said, that basically government should stay out of the bedrooms of society. Those were pretty wise words that this government should take to heart.

The idea that we will create sex police, someone who will be sitting on the hillside watching the bedrooms of Canadians, is just an obnoxious thought. The member who previously spoke said that he had received a lot of calls. In my office I have received some 314 calls about child pornography and 143 calls about Bill C-23.

If we take what the statisticians would use, for every call we get it represents about 10 people who are actually interested. Some would even go as high as saying that it could represent 100 people who actually pick up the phone or write a letter to their members of parliament. That tells me there is a lot of concern about this piece of legislation in my constituency. I know the people in my constituency would expect and would demand that I stand today to speak to the bill.

In looking at the bill it is obvious that the government is very much anti-family. It appears that it thinks it is modern, that it is 21st century, to oppose the very roots of the family, the very foundation of what a family stands for. If we examine historical society in different countries it is not a very good omen for the future of a country when it abandons something as valuable to society as the family.

Let us examine a few of the areas where the government is anti-family. Let us start with tax unfairness. Obviously in taxation there is a real unfairness to the stay at home parent, either male or female, who wants to stay at home, wants the choice of staying at home and wants to get the tax benefit for that. That has not been fixed. Obviously the finance minister has recognized it. He knows it is there and yet has made no effort to fix it.

A second item is child pornography. I mentioned that I have received many calls and many letters. Many people have stopped me on the street to talk about it. Yet we have a justice minister who is prepared to let the courts take care of it, to wait for the courts to act on it. Obviously the supreme court in B.C. acted on it and said that it was all right to possess child pornography. Now it is before the supreme court, and again we are waiting. Cases are being affected. Judgments are being postponed and charges are not being laid because of the particular legislation. This is anti-family. This is opposed to the very thing I hope everyone in the House believes, that we must protect those who cannot protect themselves, and that is children.

• (1605)

Let us look at the divorce and family court acts and the custody situation. How many members of parliament have had parents and grandparents come in and talk to them about the difficulty of getting access to their children or grandchildren? That has to be a crime in itself with which the government has failed to deal.

I can brag that last week I had a grandson, and I am pretty proud of that. He is nine pounds and doing great. If I were refused access to that little guy it would hurt very deeply. Yet there are constituents who are suffering from such punishment through no fault of their own. A government that cared about families would care about the little guys out there whose parents and grandparents want to see.

Dealing with the Young Offenders Act, how many times have we been told that it is not working, that it is not rehabilitating young people and that it is not preventing crime? If we look at the most recent trial in Victoria the problems with the Young Offenders Act would only be further reinforced. The government has not done anything to fix that. We have had six announcements from the minister that it will be fixed and yet six times nothing much has happened and nothing much has changed with the Young Offenders Act.

There is the whole area of sex offenders on parole. In my own constituency a sex offender who had committed 10 previous offences was getting out on parole. I met with 300 parents in a school gymnasium in the community the person was coming back to. At that same meeting the RCMP said the person would likely reoffend. The psychiatrist said the person would likely reoffend. The warden of the prison said the person would probably reoffend.

I came back to Ottawa with a message from those parents. What do I tell the parents of the 11th, 12th or however many more victims? Much to my terrible unhappiness, a year later there were in fact 11th and 12th victims.

A government that cared about families would do something about habitual sex offenders of children to put them away and keep them away. It would change the law in that regard. We cannot have these people being released. It took everything in our power to get the picture out so the parents would know for whom they were

*Government Orders*

looking. In this case the person ended up staying very close to a schoolyard and unfortunately he picked his victims from another town. That is what is happening out there. The government is not friendly to families.

The Liberals say that they are to have a national day care plan. Another plan. The Liberals are great for having plans and programs. They love to spend on programs and deliver programs for which they will get credit. In my riding most people do not want a national day care program. They want less taxes, more money in their pockets, government out of their hair and to take care of their children. They do not need the government to take care of their children for them.

I could go on. How about the marriage courts? How about the problems there? How about the case of the guy where a judge decided the support payment would be over 100% of his salary? Unfortunately that gentleman could not face it any longer and committed suicide to get away from that judgment. That is not a court system or a government friendly to families.

We could talk about the medicare program. We hear the minister saying that the provinces have no plans. They do have plans. They are doing things. The lack of leadership is coming from this government. At least 75% of Canadians would tell us that health care is their number one concern.

• (1610)

Now we have Bill C-23 on conjugal relationships. That is definitely anti-family as we know it. I have many quotes. We do not know what the minister really means by what she is saying. We have heard members previous to me read from the independent legal opinion of David Brown, a lawyer who commented on the amendment put forward by the minister. He said that it would not work, that it would not stop the sorts of things that are happening.

We could listen to the secretary of state. We could listen to the Minister of Justice. We do not really know what Bill C-23 is all about, except that Canadians know it is poor legislation, that it is anti-family, and that it is putting the government in the bedrooms of the country. They are opposed to it. I am proud today to stand on their behalf to give that message.

**Mr. John McKay (Scarborough East, Lib.):** Mr. Speaker, the bill is essentially quite simple. It equates common law heterosexual with common law homosexual and moves very close to marriage for the purposes of rights, benefits and obligations. There is not a great deal of legal difference.

The operating premise of the bill is the equivalency of those three forms of relationships. No one, however, seems to be prepared to ask if they are equal forms of relationships. At the justice committee we heard from a number of equity seekers, all of

whom were prepared to gloss over the essential premise of the bill. No one seemed prepared to ask the fundamental question of whether these relationships were in fact equal.

Mr. Speaker, you are a lawyer and I am a lawyer. If you give over the floor to lawyers you are more likely to hear arguments based on the charter of rights, which inevitably takes something of a preordained path. No one seems to be prepared to pull back the lens and ask some very difficult and troubling questions about the face of the family in the 21st century. Regardless of what any of us say in the House, and regardless of what any of us believe in the House, the face of the family is changing in the 21st century.

I continue to remain critical of the government's unwillingness to seriously engage in this discussion. I take the definition of marriage as the one given in the Geneva declaration as adopted by the World Congress. The natural family is a fundamental social unit inscribed in human nature and set out as a voluntary union of man and woman in a lifelong covenant of marriage. The natural family is defined by marriage, procreation, and in some cultures adoption.

I believe that marriage is a fundamental social unit of our society and can only be neglected at our peril. That and \$1.10 will get a cup of coffee upstairs. To say that it is a soothing balm to some is to state the obvious. To say that it is like chalk on a blackboard for others is equally obvious.

Rather than repeat anecdotes and draw inferences from experience, I would like members to address their minds to the national longitudinal survey done by Statistics Canada entitled "Growing up with Mom and Dad—the intricate family life courses of Canadian children". I would like to put some statistical flesh on the bones of the argument and ultimately return to why I am critical of the bill.

The survey by Statistics Canada found that 84% of children under 12 lived in two parent families and that slightly over 15% lived in a single parent family relationship. Of that 84%, about 75% were with two parent families which were neither blended nor reconstructed.

If we want to enhance our chances of instability we should live in a common law relationship over a period of 10 years. The likelihood of break-up is around 63%. If we want to enhance our chances of divorce, we should live common law first. That about doubles the chance of divorce, from about 13.6% to about 25% over the same 10 year period.

This is somewhat counterintuitive. It does not seem to make a lot of sense but the obvious observation and the common wisdom of the day is to try out the relationship first, take it for a spin around the block to see if they are compatible, et cetera.

*Government Orders*

• (1615)

Statistics Canada puts it somewhat more drily. The results are fairly clear.

Children born to parents who are married and who have not lived in common law union beforehand are approximately three times less likely to experience family breakdown than children whose parents were living in common law union when they were born and did not subsequently marry. Children born into traditional marriage with no prior common law union are least likely, 13.6%, to experience family breakdown before the age of 10. Children whose family lived in common law union before they were married are in an intermediary category. Family breakdown has been experienced by approximately 25% of the children where they were born prior to or after their parents' marriage.

The figures for children by common law unions are by all means the most spectacular. By age 10, 63.1% of them had experienced family breakdown confirming the more short-lived nature of the relationships even when there are children involved.

Who says that all relationships are created equal? Certainly children experience marriage without common law differently than children with common law, which is different again from those who are straight common law rather than gay common law. I do not have statistical information on gay common law, but one would have to assume that by statistics at least the rate of instability is similar to heterosexual common law.

There is not much doubt that children pay for the instability of their parents' relationship. Forty-one percent of single parent children have some kind of developmental problem as opposed to 26% for families that are intact. It is quite clear that children pay for divorce. It is a harsh truth and one that I as a divorced parent do not want to hear, but experientially and statistically it is quite true.

The premise of the bill is equality of relationships and many will argue vigorously that this is what the bill achieves.

In our rush to be inclusive and to practise equality we seem to have forgotten that marriage is much more than a few economic and social elements stitched together so as to justify parallel and apparently similar relationships. It cannot be assumed that the public good will be well served. Our enthusiasm to be equitable, as driven by charter decisions, is sending our society in a direction that assures us that all relationships will be created equal. Certainly our children know that this is not true. The question is when will their parents clue in.

Marriage breakdown over 10 years is approximately 13%. The breakup rate doubles with common law prior to marriage. Over the

same period common law breakups are in the order of five times more likely than that of marriage.

I submit that these are not equal relationships and should not be regarded as same for the purposes of public policy. To add common law homosexual relationships to common law heterosexual relationships and say that they are the same thing in my view is a fallacy.

This frankly puts me in a bit of a dilemma because as a government member I take great pride in supporting the government. The government has gone a long way in introducing the definition of marriage into the bill.

I am still of the view that this is a deeply flawed bill and I wish frankly that the government had gone about it in exactly the opposite way, which is to engage in debate about all the forms of family in the late 20th century, to recognize that family sees many faces in the course of a lifetime and that arguably, dependency is the basis for determining whether there are rights, benefits and obligations. Once we determine that, then we can determine equality, whether it is same sex, opposite sex or no sex.

Those are my comments. I find the government over the course of time has moved in the right direction, however I still see the bill as being very flawed.

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I stand here today representing not only the clear majority of the people in Elk Island but also certainly the majority of people across the country.

• (1620)

Why the government would proceed in the way it is doing with this bill is a mystery to me. I have said a number of times that in order for our country to be governed well, we have to maintain the consent of the governed. That is how a democracy works. Increasingly in this place because the government has a slim majority and because of the way our parliament misfunctions, it is able with a small minority of people to jam its view of things down the throats of everyone. That greatly increases the cynicism about government. It greatly increases the lack of respect for this place.

I have received a large number of communications on this bill, as I get on a number of different issues. I stand here to represent what by far the majority of people have said. I do not have the latest count but I think it was about 200 phone calls, faxes and e-mails that we have received. If that is a fair sample at all of the understanding and the desires of the people in my riding and other parts of Canada who communicated with me, it is rather overwhelming.

Of all those communications, I received one that said we should support Bill C-23. That was not from a person in my riding. Lo and



*Government Orders*

behold I got a second one. It looked familiar so I checked and sure enough it was a fax version of the same communication I had received by e-mail from the same person. At this stage one person has communicated to me twice to say it is a matter of urgency, go for it.

Let us contrast that with things that are urgent to Canadian citizens, such as real tax breaks instead of just talking about them as the government does, real changes to the Young Offenders Act instead of just talking about them the way the government does, a real attack on the issue of child pornography instead of the total stated inaction of the government. It boggles the mind. No wonder people are becoming cynical about the federal government. It does not listen and it is time that it did.

We have a record in the House. Over 500,000 people have put their signatures on petitions begging, pleading and cajoling the government to do something about child pornography. What is the government's response? It cannot do anything about it, it just has to go along.

On the other hand when a small special interest group comes along and says it wants to expend millions of Canadian dollars in order to provide undefined benefits to people undefined, the government says it will ram it through parliament. It will make sure its MPs vote in favour of it on penalty of being disciplined if they refuse.

I will provide some history. I have had the privilege of being in this place for over six years. It has been a great privilege but it has also had its frustrations of course. About four years ago, as I recall, we debated exactly the same question. The only difference is that on that occasion it was a private member's bill.

One of the features of private members' bills is that generally they are free vote bills. On those bills members of parliament from all parties look at the issue, get a read from their constituents if it is a controversial item or one that has their interest, and they return to the House of Commons and in true democratic style they vote the way they are told by the people who elected them.

On that occasion because of my interest in the subject, I wrote down the vote results and put them into a computer file. Had I filed them in my regular paper system, I may never have found them but they were in my computer and I was able to do a search. I found the statistics from that particular vote.

• (1625)

It is very illustrative to see how far we have come on this issue in the last four years. One possibility is that we have made this dramatic change in the House and in our individual convictions on this question, or we have been whipped into shape. It is one or the other. I think it is the latter and it is shameful.

These were the numbers in the spring of 1996. There was a private member's bill by the member for Hochelaga—Maison-neuve on the question of permitting same sex benefits.

Remember that in the previous parliament there were 177 Liberals. There are about 20 fewer now and hopefully there will be at least 20 fewer next time around. I am hoping for 120 fewer. There may even be 150 fewer but whatever it is, this is what happened at that time. Out of 177 Liberal members how many voted in favour of same sex benefits, a bill very similar to the one we have here today? It will shock everyone to know that there were 18 who voted yes. There were 18 out of 177. Very close to 10% voted in favour of it at that time. About 40%, 70 in number, voted against it. That was on the Liberal side.

Equally illustrative is that 89 Liberals did not show up to vote. That also says something. If a person is not willing to stick his chin out and take a stand on an issue, I do not want to use any pejorative terms but I think it shows a weakness of character to simply say, "I am going to sit on the fence on this and I do not want anyone to criticize me for having voted yes or no on it, so I just will not show up". That is what happened. Eighteen Liberals, 10%.

In the Reform Party at that time 11 members were absent. Again, if I am going to apply the same standard, perhaps some of them were not willing to vote on it. Because most of us are from the west it could also be assumed that a number of them were in travel status on the day of the vote. Almost 80% of Reform members present voted a firm no on that question because we were reading what the Canadian public wanted on this issue.

Of the nine members of the NDP, only two voted yes. That is 22%.

Of the Conservative Party, they were evenly split, all two of them, one on one side and one absent. With all respect the member for Saint John voted against that bill at that time.

How we have slipped. Things that were sort of accepted as not being acceptable are being jammed on us by, very frankly, a minority government. The Liberals had 38% of the vote which gave them a slim majority here in the House. Without any regard for the democratic process they have used closure and time allocation and have prevented Canadians from expressing themselves on it. They have prevented Canadians from having their say on this very important question. That is shameful. It is so sad that the government simply does not believe in representative democracy.

Mr. Speaker, I wish I had a half an hour, but you have already signalled that my time is up. That is so regrettable because I would like to talk to many other issues. Perhaps I will get another opportunity when we come to the second group and I will certainly utilize it.

*Government Orders*

• (1630)

**The Deputy Speaker:** It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Davenport, the Environment; the hon. member for Sackville—Musquodoboit Valley—Eastern Shore, Fisheries.

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, it is a pleasure to speak to report stage of Bill C-23. Bill C-23 would give out marriage-like benefits while failing to define marriage in legislation. Bill C-23 would remove any sort of unique public policy recognition of the institution of marriage.

The official opposition has tabled close to 100 amendments to Bill C-23, which would amend 68 pieces of legislation. The Canadian Alliance amendments, if passed, would define the terms “spouse” and “marriage” in each of the statutes affected by Bill C-23. In our amendments the term “spouse” would be defined as either a man or a woman who has entered into a marriage. The term “marriage” would be defined as the lawful union of a man and a woman to the exclusion of all others. Why is that so threatening to some?

The approach by the justice minister in her amendment is an insincere attempt to alleviate widespread concern about Bill C-23 stripping away any unique public policy recognition of the institution of marriage.

After much public outcry and pressure from members of her own party, the minister proposed to add an interpretation clause to Bill C-23, stating that the bill does not affect the meaning of the word marriage. The legal affect of an interpretation clause in an omnibus bill like Bill C-23 is uncertain at best. Here are the facts.

Bill C-23 is an omnibus bill which would amend dozens of statutes. Thus, if the bill is passed, the justice minister’s marriage amendment would appear nowhere in the consolidated statutes. It would not be seen by anyone looking at the online version of any of the acts modified by Bill C-23.

The minister is taking the easy way out by using the backdoor approach. Why not affirm the institution of marriage by using the appropriate legislative tool? Furthermore, the minister’s amendment only affects the provisions of Bill C-23. Will we have to have an amendment every time the word marriage comes up in legislation in the future? We do not know that yet, but I am pretty sure this is another one that will keep lawyers very busy.

In committee a motion to clarify that the definition of marriage is the union of one man and one woman to the exclusion of all others for the purposes of Canadian law was voted down. The justice department officials said that a charter amendment would

be necessary to effectively protect the definition of marriage. I find that rather strange, based on a vote taken in the House, but I will talk about that later.

The justice minister’s amendment shows that the Liberals are under intense public pressure on this bill. Regrettably, the minister’s interpretation clause of marriage would have little legal weight. In other words, her amendment would not truly protect marriage in legislation. She is just playing the political game.

The approach of the official opposition would be to define the terms “spouse” and “marriage” in each of the statutes amended by Bill C-23. We would be clear and our approach would be meaningful about what these important social policy terms legally mean. If the Liberals vote against these amendments, they are voting against the definition of marriage in federal law.

On June 8, 1999 parliament passed a motion by a vote of 216 to 55 to take all the necessary steps to preserve the definition of marriage as the union of one man and one woman to the exclusion of all others. The result of that vote was pretty definitive. It was not even close.

It is time for the government to act on this directive and show some courage against those who would want to destroy it.

The Liberals are pandering to those who want to devalue marriage as a cornerstone of public policy. Marriage produces real and tangible public policy benefits. Liberal cabinet ministers cannot get their stories straight on who would qualify for benefits as a result of Bill C-23.

The justice minister says that Bill C-23 would not extend benefits and obligations to individuals in other relationships of economic and emotional interdependence like ordinary room-mates.

• (1635)

The Secretary of State for Multiculturalism, the hon. member for Vancouver Centre, said that one would not have to have a physical relationship to qualify for benefits under Bill C-23.

Who do we believe? The Minister of Justice who says only opposite or same sex couples involved in a sexual relationship, or the secretary of state who says there does not have to be a sexual aspect to the relationship? All of this is very confusing coming from ministers of the government.

Getting back to the minister’s solution to sorting out the mess she created, allow me to read a legal analysis of her amendment as offered by the law firm Stikeman Elliott, which is a very well respected firm in Toronto, especially for its litigation department. It also practises corporate and administrative law. It has practised before the supreme courts of Canada and all over the country, and

*Government Orders*

we should respect what it has to say about this law. It certainly has as much knowledge of what will happen as a result of the bill as any of the lawyers working for the ministry. I quote what that firm had to say about Bill C-23:

In sum, the justice minister's amendment would operate to tell the courts that any of the amendments made by the bill were intended not to affect the meaning of the word marriage. This would only have a practical effect if one of the specific acts already contain the definition of the word marriage in some part of the act not amended by the bill. It would be difficult to see what use courts could make of the interpretive guide offered by the minister's amendment.

Allow me to quote further from the legal opinion:

If parliament intends to state that, as a matter of federal law, marriage is the lawful union of one man and one woman to the exclusion of all others, then in my opinion the minister's amendment does not achieve that objective.

That quote comes from Stikeman Elliott, one of the most respected law firms in the country. It stated that in its opinion the minister's amendment does not achieve the objective it is trying to achieve.

The minister's amendment is ambiguous and does not send a clear directive to the courts about the definition of marriage. What does that mean? It means that millions of dollars will be spent over the next number of years with lawyers going to the courts trying to seek a definition.

Why would parliament, when it has the opportunity at report stage, not put forward proper amendments to the bill to make sure that we tell the supreme court and the other courts what the definition of marriage is when it was voted on by an overwhelming majority of members of parliament? But the minister's bill, according to Stikeman Elliott's report, does not achieve that objective.

The same legal opinion offers three methods which would constitute clarity and weight for the courts. The first would be to amend the Marriage Act to include a specific definition of marriage. The second would be to amend the bill to include an enacting section which would provide that, for the purposes of all federal legislation, the word "marriage" would mean the lawful union of one man and one woman to the exclusion of all others. That has already been voted on by the House and the government should be taking the directive it was given by a very big majority of members of the House. The third would be to amend the bill to include amendments to each affected act, enacting in each such act a specific definition of the word "marriage".

Bill C-23 is a very flawed piece of legislation. That has been indicated not only by opposition members of the House, but by members of the government who have spoken against parts of the bill. We have an opportunity at report stage to move amendments which have been recommended by major law firms from across Canada and the government should take them seriously.

The Liberals refuse to be clear on who qualifies for benefits. They refuse to deal with the definition of marriage and they refuse to stand for the family.

There is an opportunity at this stage to vote for amendments which could change that opinion, which is shared by many Canadians and many law firms.

I thank the House for the opportunity to put forward not only my opinions, but those of many legal people from across Canada and those of Canadians concerning the faults of this bill.

**Mr. Deepak Obhrai (Calgary East, Canadian Alliance):** Mr. Speaker, it is a pleasure for me to rise this afternoon to speak to Bill C-23. My colleagues have expressed many things which are wrong with the bill.

• (1640)

I would like to commend my colleague from Calgary Centre who has worked very hard on the bill, has analyzed the bill, has shown what is wrong with the bill and has put forward amendments. I would like to congratulate the member and his staff for their hard work.

The bill has opened up the debate on two fronts. First, on the definition of marriage and what marriage means, and second, on benefits. What is a benefit? To whom would the benefits apply?

I received a tremendous amount of calls in my office when the bill was introduced. There were close to 50, and not a single one was in support of the bill. All the calls that came in were against the bill.

I find it quite distressing that my colleagues from the NDP have gone out of their way to use words like bigotry to express their point of view, especially the lead speaker for the NDP who used very harsh words in expressing his view of those who oppose his point of view. If I recall correctly, this member trots around the world and stands for minority rights, for other people's right of free debate.

Today we are in the House having this debate, and Canadians have expressed a concern about the bill. They have expressed serious reservations and serious concerns. Instead of the member listening to what other Canadians are saying, the member accuses us and calls us all kinds of names. Perhaps if he listened and came up with some positive solutions we would be further ahead in achieving many of the things which would be of benefit to Canadians.

About three months ago I had a call from a constituent who was living with a same sex partner. We had a very interesting discussion. I must say that it was a very, very civil discussion, with none of the rhetoric that we hear about bigotry or anything like that. I expressed to my constituent my personal view, which is quite

*Government Orders*

simple: that every human being is entitled to dignity. He may have an alternate lifestyle or he may have some other point of view, but he is entitled to dignity and he is entitled to live in Canada with his head held high, without fear of discrimination. I expressed that point of view, that any Canadian must be able to walk on the streets of Canada without fear and without discrimination. That is what we should be aiming for. One of the ways to do that is through education. We have come a long way in that respect.

I had the privilege of talking to my colleagues in the Bloc. I actually travelled with my colleagues in the Bloc. We have a fantastic relationship as friends and I respect them. But when it comes to a question that is fundamental in society, then we differ. All the reasoning and all the name calling that is directed at us does not go a long way in addressing this issue.

To get back to Bill C-23, let us talk about benefits. The bill is absolutely flawed. The bill gives benefits based on sexual preference. It leaves out many other issues on dependency which should have been included. I would like to know why these issues were left out.

I read the statement which the justice minister gave at committee on February 29, 2000, that the issue of dependency is a separate issue. Then she said the same sex benefit also affected a bigger issue which, perhaps from her point of view, was trying to define marriage. The second problem originates with the definition of marriage.

• (1645)

In June we in parliament defined marriage as a union between a single man and a single woman. Parliament made quite clear the definition of marriage. In listening to the speech of my colleague from the NDP he talked about the benefit issue and marriage. He is looking at the bill as parliament sanctioning marriage, which is a concern of many Canadians.

Canadians view marriage as a union between a single man and a single woman. That is the view of society. There are many reasons that society views it in this way. I do not think I need to go into them. They have been debated very well. When it comes to whether it means we will look down on those who choose an alternate lifestyle, it is an individual choice. I personally do not look down. It is a choice that someone has made but it is not my choice.

I do have a problem when this choice is forced through other means. In Surrey, B.C., the school board is talking about teaching this to children. Some of us will have objections to that. Why not? In the same way as he has his point of view, I have my point of view. Perhaps he should understand that he should recognize my point of view as well, instead of screaming over there that we are bigots and whatnot. It is a point of view. It is a public school and as we can see from the Surrey debate parents are apprehensive about

it. Religious groups are apprehensive about it. That is acceptable in society.

The debatable question is about marriage. As I said, in listening to my colleagues who support the bill, they are moving away from benefits into the issue of marriage. That is a major concern. My colleague introduced an amendment to ensure that the views of Canadians regarding the issue of marriage were addressed in all 68 statutes.

The justice minister has made an amendment. In all the 50 calls that I received I told them that if they wanted to be effective they should phone the justice minister. I bet that calls were made to the justice minister and hence she ran to the drawing board and came back with something haphazard by including the definition of marriage. If she is willing to go back one step, what is wrong? Why can she not put that definition in all the statutes so that it is very clear to the courts every time they look at the definition of marriage.

The bill is asking in all 68 statutes that same sex be included. Our main point is that the definition of marriage be recognized as my colleagues have stated and as was indicated quite clearly in an independent legal opinion which I should like to repeat:

By contrast, if the Bill was amended to enact a definition of marriage for each of the particular acts referred to in the Bill, then Parliament would be giving a clear indication of its intention to the courts and to the public at large.

• (1650)

This was done by the motion in June of last year.

**Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance):** Mr. Speaker, I last had an opportunity to speak to the bill on February 21. In the period of time since then and considering the momentous number of things the bill would change, the lack of interest by the national news media in this debate, particularly in getting the information out to the Canadian public so that it might be made aware of the implications, has been interesting.

I believe that any society in the world is no stronger than its smallest unit. Unfortunately legislation that we pass in the House frequently chips away at the ability of Canadians to organize themselves in any way to enhance their family unit, which is the smallest unit in society.

The Liberal government introduced legislation called the same sex omnibus bill. It will grant a same sex couple virtually all the benefits and responsibilities of common law couples.

Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations, would amend 68 federal laws affecting key departments and agencies. The bill creates a new term called common law partner, defined as a person cohabiting with another

*Government Orders*

person of either sex in a relationship for a year. Probably the most serious single oversight of the Liberals is that they chose not to define the word conjugal. The common definition of a word may or may not become the legal definition. Lack of definition in this legislation requires the judges to make law. Conjugal will likely mean intimate sexual activity.

The government wants us to believe that the bill merely gives same sex couples the same federal benefits as heterosexual couples. As I mentioned at the outset, unfortunately the mainstream news media are basically ignoring the entire issue being debated not only today but for the time it has been before the House of Commons.

I think the word news is made up of the word new in that they want to have something new. I would therefore draw to their attention what my colleagues in the Canadian Alliance have been reading and reading and reading all day long.

It is the opinion of Mr. David M. Brown, a partner in Stikeman Elliott's civil litigation department in Toronto. He practises commercial and corporate litigation and administrative law. Mr. Brown is a sessional lecturer at the Faculty of Law at Queen's University where he has taught trial advocacy since 1989. He was a seminar leader for the civil procedure section of the Ontario bar admissions course.

Mr. Brown has appeared at all levels of court in Ontario and Manitoba, as well as frequently before the Supreme Court of Canada. Major constitutional briefs have included being counsel for interveners before the Ontario Court of Appeal and the Supreme Court of Canada in *Rosenberg* in 1998 and *M v H* in 1999.

This person's opinion has some very distinct weight in the context of the minister coming to the justice committee and saying "We are going to define marriage and this is how we are going to do it".

The Minister of Justice is also a distinguished lawyer. I believe she has taught law at least at one university in Canada. Therefore it is hard for me to understand how she could have missed the obvious item that Mr. Brown has pointed out:

If Parliament intends to state that, as a matter of federal law, "marriage" is the "lawful union of one man and one woman to the exclusion of all others," then in my opinion the Minister's amendment does not achieve that objective. As previously stated, the Minister's amendment is not an enacting section—it will not bring into force any legally binding definition of "marriage". By contrast, if the Bill was amended to enact a definition of marriage for each of the particular acts referred to in the Bill, then Parliament would be giving a clear indication of its intention to the courts and to the public at large.

• (1655)

I mention again that it is a responsibility in a democracy for us to have freedom of the press, but it too has a responsibility to bring to

the people of Canada these facts and these words. It is the opinion of this respected scholar that the justice minister, either in haste or perhaps in ignorance, clearly missed the boat by not putting this definition into the enacting part of the legislation. I would not dare suggest any other motivation on the part of the minister.

We have spoken all day long about the fact that this is an attack on marriage. Although it was unlikely intended that is exactly what the bill is. Its consequences will abolish marriage as a specific relationship under federal law.

The purpose of the bill is to open up the unique rights and privileges of heterosexual married couples to those cohabiting in a conjugal relationship. This is very troublesome. To acquire proof of conjugal or sexual relationships between individuals would necessitate a gross intrusion into the bedrooms of Canada. When Pierre Trudeau was prime minister he said the nation had no place in the bedrooms of Canada. Yet the same Liberal Party is now stating that benefits will be available on the basis of sexual intimacy.

Considering that Revenue Canada insists on snooping into every conceivable part of our lives, even to the point of spying on Canadians to establish criminal activity when reporting income tax exemptions and expenses, it is absurd to extend benefits under the Income Tax Act on the basis of private personal activity that cannot and must not be monitored. I make this point very clearly.

There is confusion between the Minister of Justice and the junior minister from Vancouver Centre. There will be court intrusion. Let me state again to single parents that going into the 21st century we recognize there are many single parent families, sometimes based on choice and sometimes based on uncontrolled events. This is why Canadian society has correctly decided, along with the rest of the world's nations, to extend special benefits to people with relationships similar to the heterosexual traditional family unit. Those benefits are extended to single parents, along with family units related by blood, marriage and adoption.

Here is something that is very troublesome. The fact that the government intentionally chose not to include a definition of the word conjugal turns that definition over to the courts. We have seen in at least a half a dozen cases in the last four or five years where the supreme court has intruded into where parliament wanted to go with particular law. I think of the Feeney case in British Columbia. Basically it excluded all sorts of evidence that was taken when a person was in flight from the police having just committed an absolutely terrible murder. He bludgeoned a person to death.

In the so-called Feeney case the supreme court said that all that evidence must be excluded because there was no warrant to walk into the person's house who had just fled the scene of the crime. The House of Commons, therefore, had to deal with this intrusion, and I call it an intrusion, by the supreme court clearly defining where the police can and cannot go. In fact the enforcement powers

*Government Orders*

in Canada have had their ability to move forward and take enforcement actions seriously hampered by the supreme court.

I cite that as one example of the fact that we in parliament have a responsibility to the people of Canada who elected us to come forward with correct, clear and concise legislation. When the government turns around and will not define the word conjugal, it invites the supreme court and any other court to define that word. In other words it invites the courts to make laws that the Liberals do not have the intestinal fortitude to bring forward. When that sees piled on top of it this situation where the justice minister has come forward with an amendment that appears to be doing what Canadians want but in fact will not, is a serious problem in terms of this legislation.

• (1700)

This legislation in my judgment is not at all reflective of the values of people in Canadian society.

**Mr. Charles Hubbard (Miramichi, Lib.):** Mr. Speaker, for many of us in Canada this is a very difficult issue. As I came to the House this afternoon I had to put down a few of my thoughts on it. I want to refer to some very difficult situations which we as Canadians have to face.

We all recognize that with the supreme court decision, we as a government are literally being told that people who are involved in sexual relationships of the same gender should be acknowledged in terms of the benefits that might be available to them as citizens of the country. I personally feel we are offering a special status to certain groups in our society. It is a status which is outside marriage and one which is based, as the amendments would say, on conjugal relationships that are not of a traditional nature.

Nearly every religion I have studied has had a great respect for marriage. If we go back to our Biblical stories which deal with Adam and Eve, Eve came as part of a man and was made his helpmate. The two of them developed according to Christian ideas and Christian teachings a world civilization on which we as a Canadian nation have based our general philosophy. We have seen throughout Biblical teaching various aspects of different sexual relationships. In fact after the great flood in the story of Noah, there were sexual activities that were condemned by the general society in which Noah lived.

The response I have had from across New Brunswick and especially in the Miramichi, is that a great number of people are concerned about how marriage might be interpreted if we as a government accept the new standards in which people have special rights in terms of their sexual relationships. In regard to my own community, I have had e-mails, letters and phone calls and they run about 99% showing great concern about what the government is doing.

We have to realize that in terms of relationships and dependency, there are a great number of different aspects by which people are dependent upon one another. I can think of situations in my own community where two brothers or two sisters live together, or where a brother and sister have shared a household. When I look at those relationships and I consider the bill before us which amends various acts, it gives me a great deal of concern.

I have to be concerned in that the definition we write today which will be in the preamble will not really apply to all of the different acts which we are attempting to amend. I would certainly want to ensure that if we are going to write marriage into the general amendments of the various acts, we should put the same definition into all aspects of the acts that are affected by these changes.

We as Canadians have always been tolerant of all forms of relationships, but the basic concept of marriage and the family values that this country needs to develop are very important. All of us have friends and people we know who are involved in different types of relationships. But in terms of the bill which we are looking to amend various parts of the different benefits and relationships that we might have under the law, we certainly should not base it upon sex.

In the marriage vows that many of us have taken, there is no definite aspect which says that we have to be involved in a sexual relationship. Yet with these changes, we are saying that people who are involved in conjugal relationships are the only ones who will receive benefits of the various plans that our government has available.

I want to go on the record as representing my community which has great concerns with this bill. It is my suggestion that this bill should be set aside until the government can put before the House a definite concept of what other relationships might cost.

• (1705)

We must not in any way discriminate against other family groups who are not sexually involved but who represent a great tradition of this country. I hope all of us as parliamentarians can look at this and hopefully table this legislation until such time as we fully study the costs and benefits of all types of loving relationships that exist in the country.

**The Acting Speaker (Ms. Thibeault):** Before resuming debate I want to come to the points of order raised earlier today concerning the admissibility of Motions Nos. 3 and 4 on the notice paper which were selected for debate at report stage of Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations.

Motion No. 3 in the name of the member for Burnaby—Douglas is identical to the text of a subamendment moved in the Standing Committee on Justice and Human Rights during a meeting on March 23, 2000 and defeated in a recorded division. Motion No. 4

*Government Orders*

in the name of the member for Elk Island is similar to another motion moved in that committee. Under normal circumstances such motions would not be selected for consideration at report stage. I have looked carefully at the two motions and after appropriate consideration, I am convinced that they do fulfil the requirements to be selected in that they have such exceptional significance as to warrant a further consideration at report stage.

Accordingly, both motions remain selected for debate and voting purposes in Group No. 1.

**Mr. Randy White (Langley—Abbotsford, Canadian Alliance):** Madam Speaker, it is a pleasure I suppose to speak to Bill C-23, the modernization of benefits and obligations act.

I am opposed to this not only like my colleague on the Liberal side who spoke just a moment ago, because I think there are major flaws in the legislation, but I am also opposed to it because many people in my constituency of Langley—Abbotsford have expressed their absolute opposition to such a bill. Not only have they expressed their opposition but they have asked me why this omnibus bill is going through the House of Commons already when practically nobody has heard much about it in terms of talking to the people of the land.

I know for a fact having been in the House for almost seven years, that omnibus bills are creatures of confusion. We have seen many omnibus bills go through the House. I can recall one which was a justice bill. It took us literally months to figure out what was in the darned thing before we could even make decisions on it.

Now that we have looked at Bill C-23 we see major flaws with which the government will not deal. Unfortunately it will deal with them by leaving it up to the courts of the land.

I do not want to get into a large discussion about my confidence in letting the courts of the land deal with legislation or we would be here for a long time. I do not think legislation on issues such as these, benefits under the Income Tax Act or the Pensions Act, should be decided upon by the legal industry. That is where we continually go wrong. We develop an omnibus bill, make it law and throw it to the courts when it does not fit. We are already telling the government it does not fit and members of the government are saying it is flawed.

Why on earth the government wants to continue to push this I could say is beyond me, but it is not. It is typical. Lo and behold, once the government gets it through the Senate and royal assent, people will be asking a lot of questions. They will be saying "Gee, I did not know it was going to affect me this way".

• (1710)

That is what is wrong here. We are trying to head this off already and the government is saying, "It is going through anyway on time

allocation. Cut your speeches short. You have only got 10 minutes, no questions. Let it go".

I want to address some of the things that concern me. I know it has been mentioned but I am going to change my approach a little.

I had the occasion not too long ago to talk to four young fellows. I knew them all. They were sitting around and I asked them about Bill C-23. First of all they did not know much about it. They said, "On this conjugal relations stuff, you can say whatever you want about it, but if the benefit befits us, if it is good for us, we will say whatever it takes. We will do it".

That may sound a little funny but the reality out there is that when someone wants to take advantage of a piece of legislation, within the parameters of law they will do so. They will do so regardless of what we call their relationship. They will just say, "Yes, that fits me and this person and that is what we are going to do".

The government should know that just by defining things based on a conjugal relationship which is undefined, many people frankly will use that terminology and say, "Yes, that befits me, so where is my benefit?" That is what many people are trying to say. We just cannot rewrite society's rules to fit a piece of legislation.

Bill C-23 introduces the term "common law partner" which is defined as a person cohabitating with another person in a conjugal relationship for a year. For pension benefits Bill C-23 uses the term "survivor" instead of words like "spouse".

The government refuses to define conjugal relationship, so again who actually qualifies under that terminology is going to be left to the courts, if we can imagine that. It will not just be one court case that is going to cost someone a lot of money. It will be case after case after case.

I have been in enough court cases in the land; I am not a lawyer but I have been through them. What happens in the court situations is that decisions by the judiciary will tend to go for the lowest common result. Once it is established that a conjugal relationship exists in one decision, someone else will come in and say if it fits there, it should fit for them and it will go to that level. The next person will say, "Conjugal relationship, yes, under the Income Tax Act that is me". They will go to the next level and on and on it will go.

This is an expensive, undefined category. It should not be in legislation unless it is clearly understood, clearly defined and clearly agreed to by the majority of Canadians. It is as simple as that. I have heard my colleagues say this for months now. But there is still a majority situation in the House of Commons where a government with a slim majority says, "We stand here and tell our people how to vote and that is the way it is going to be. All of you people who do not like this, that is just too darn bad".

*Government Orders*

The justice minister indicated that only those engaged in a sexual relationship would qualify under the bill. However this was not so clear from testimony before the justice committee. As a result there is much uncertainty about what conjugal means. How on earth did we ever get to defining what benefits are allowable to individuals under any act based on sexual activity? Where are we coming from?

**Mr. Werner Schmidt:** And where are we going?

**Mr. Randy White:** "And where are we going," as my colleague has said.

It is good to see that we have resolved all the problems in this nation and now we are ready to create some new ones. That is the way this group is thinking. This kind of convoluted thinking, that benefits should be entrusted or entitled to an individual based on a sexual relationship, could only make sense to politicians because it does not make sense to anybody else. I should clarify for these fellows over here that it is not all politicians and not everybody on the government side who agree with this.

• (1715)

Common law partners are not required to register anywhere in order to claim benefits, nor are there provisions for information sharing between departments. Thus, couples could apply for conjugal benefits under one piece of legislation while maintaining that they were simply roommates or friends for another piece of legislation, which might impose some obligations.

I will go back to my four young friends who could say "Yes, this is conjugal if there are benefits here for us", but if it were another piece of legislation, they could say "No, we are just roommates. There is no sex here".

I defy anybody from the other side to stand up and say that this legislation is good, that it will stand the test of time, that it is defined, that it will not cause much confusion and that it will not cost a lot of money. If members do stand up they will only do it because they were told to do it. What members on the other side need to do is to stand up and say "We have to look at this further. It is flawed and has serious problems. I do so because the people of my riding expect that of me". That is what we expect of them.

This legislation is flawed and it must be defeated. I ask members on the other side to thoroughly consider this advice and do what is good for the country, not what is good for their party.

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Madam Speaker, I, like my previous colleague, am also quite confused as to where we are going when we spend hours in the House of Commons debating this type of bill.

I have been waiting since 1997, since the present Minister of Justice became the minister, for legislation to come forward that

would have some meat in it and some valuable answers to the serious problems that we have in the country regarding crime.

When I look across the land, I see the number of victims we have to deal with. I see the number of young people who are suffering at the hands of other young offenders. I see the amount of drugs that are flowing on our streets and in our cities. We have young children on our streets serving as prostitutes. I see the difficulties we are facing with regard to gangs that are building strength across the country. I see the problems in our prisons. I see the absolute turmoil we are facing when it comes to criminals, the law and the protection of society. However, I have yet to see any legislation from the Department of Justice that would solve the problems that many people see as serious problems in the country.

Instead, we are debating a bill that was brought forward by justice minister, which, I can assure members, at least 95% of the people absolutely object to. They absolutely object to this kind of work. It is totally disgraceful that anyone would bring forward legislation of this nature without first going across the country and talking to Canadians. It is high time we, as the Government of Canada, began to recognize that out there in our beautiful land live people. These people make up our society and they should be the ones to determine what kind of society we want to live in. It is time for consultation of that nature.

Instead, we throw out a piece of legislation that is so poorly defined and so poorly written that it will taken dozens and dozens of court cases in the future, based on these kinds of things, to settle. The courts will be very busy, our lawyers will fill their pockets and the taxpayers will cough up more of their hard earned money to try to get some answers from the courts, which will decide what kind of country we live in. The taxpayers will have no opportunity whatsoever to have a say. There has been no consultation with society. It is time the people were allowed to lay out the kind of society they want to live in in this land. The government has failed to do that on every count.

• (1720)

I am pleased to see the Indian affairs minister here today. I am waiting and wondering when the day will come when we can begin legislative work that will help put an end to the massive suicides by poverty stricken people on reserves across our country. It goes on and on year after year. People do not want to live in that kind of society.

Why are we not spending our time bringing forward legislation to deal with the real problems facing real people in the real Canada? These kinds of problems are being created through an initiative of trying to bring popularity to whatever it is that the government stands for. Lord only knows what the Liberals stand for any more. I do not know. They talk a good talk but they never walk the talk.



*Government Orders*

I am waiting for solid legislation from the justice department to deal with crime and make our streets and communities safer. Instead, I look at a piece of flawed legislation and I have not the vaguest idea what it will mean in the future. Personally, what it could mean frightens me. That has to end.

As one of the speakers said earlier, it is time that the people on that side of the House got the intestinal fortitude to stand up for the people they represent, the people who sent them to this House, instead of standing in their place and voting for a piece of legislation because they have to. Government policy will not stand for them objecting to a piece of legislation coming from that side of the House.

I admire those who have the courage to speak up for families, to speak up for marriage, to speak up for what they feel is right and to bring forth the views of the people they represent, the 110,000 people or more in their ridings.

Instead, here we are spending hours debating a piece of legislation that we know the Liberals will ramrod through, because that is how they operate. There will be no free vote. There will be no consultation with the public. The Liberals will do as they are told, as usual. The mighty powers of Ottawa have spoken. Sheep should rise and vote the way they are supposed to. Never mind what the people say in the ridings. Never mind what the people across the country say about the kind of society they want to live in. Members opposite write it and then they send it to the courts and let the courts make the law.

Personally, I can assure the House that the people of Wild Rose are absolutely sick and tired of these unelected judges across our land making the laws for our land. They want it to end and so do I. It will take courage. It will take some initiative over there. Never mind the elites of our wonderful country. We are tired of the elites. What about the people? What about the guys who pack their lunch and go to work every day to try to make enough money to keep sending here so we can do our work? We are not accomplishing anything except creating more and more problems because we do not have the courage to define what we mean by conjugal or define what we mean by marriage in all the laws of our land. Instead, we put forth an omnibus bill like this and we all wonder where we are at.

This government ought to be ashamed of itself for its lack of initiative to solve the problems facing our country. The sooner we get rid of people like that the better off this nation will be. I will be here to cluck.

• (1725)

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Madam Speaker, I am very pleased to enter into the debate. I am pleased to see that some people are having a moment of

enjoyment. However, if people across the country had ever been given the time to really study this bill, like the old poem, there would be no joy in Mudville, there would be no joy in Canada from coast to coast, from the rural areas to the cities. If Canadians ever found out what this bill will do to the sacred institution of marriage that has been preserved in history the bill would be soundly and totally rejected.

I know I have been called a bigot for believing in this. I have been called worse names. I am not one who hates. I was brought up not to hate. I may see a drunk tumbling from the bar at midnight but the only thing I hate about that is what may happen to his children at home and eventually to him. I hate what he is doing but I certainly do not hate.

I know members would like to see me here next week but if I went home to my constituency and gave any indication whatsoever that I would be supporting this bill, I probably would not make it back. If somebody wants to give 98%, I will top that. Canadians are, thanks to their members, totally irate about this sneaked in legislation.

I met with some lawyers last Saturday night and asked them what they thought of this. They said that beyond a doubt it was the loosest piece of legislation that could ever possibly be made. It is not so much about what is not in the bill but about the people who are not protected in the bill.

Let us take a look at my own family. My wife's oldest sister stayed home and looked after her parents. She never married. She does not qualify for any benefits according to this bill. I have a niece with four children whose husband left her almost three years ago. According to this bill, if he was killed in an accident or where he works, his wife and family would not be the beneficiaries.

This government hates marriage. Let me give members an example of what happened in a city in my riding. An accident took the lives of six men just like that. In other words, six widows are made just like that. This bill was never once discussed with the provinces across Canada with regard to the workmen's compensation legislation that every province has. These widows then became beneficiaries of workmen's compensation for the rest of their lives. When three of them re-married, they were cut off from those benefits. The other three just lived with a partner.

There are so many things about this bill that will drive Canadians crazy unless they have an opportunity to take a look at it. I doubt if the justice department of any province was consulted on this bill. If we can talk about 68 federal acts, what about all the provincial acts? There will be that many provincial acts.

So far on social issues, the pornography issue has been the greatest. People have been phoning, writing, faxing, and so on. Guess what is coming second and may overtake it? This bill, Bill C-23. It will overtake it because Canadians are gradually getting to

*Government Orders*

know what this bill is about. A word is placed in a bill and on the side of the bill there is no definition. We see the word conjugal with no definition. We see the word spouse and it can mean almost anything.

• (1730)

The government ought to be ashamed of itself by putting a time restraint on the passage of this bill. I do not know where its constituents are. Are my constituents different from the rest? Not on your life. They may be more intelligent, and they know what is going on with this bill.

I was very pleased on the first free vote that there were enough members opposite who had enough intestinal fortitude to stand and be counted. Let us hope that before this night ends and before this bill comes to the last and final reading that the government has enough courage to say "We had better put a month into this. Let us get the information out. Let us get the judicial people into each of the provinces. Let us throw it out so that people can really examine this bill".

Has it got the courage to do that? Let us wait and see.

The pornography case has gone to the two lower courts and has been upheld. The question now is, what would happen if the judgment by the supreme court were in compliance with the two lower courts? What would the government do then?

The bill could not be rewritten because it would be too clear to rewrite. Would it have the courage to use the notwithstanding clause for the protection of Canadian children?

I ask that question and I ask one favour. Would the government consider allowing a time period of one month to put this bill out before the public, not just the parts the government wants, but the whole bill, and then bring it back to the House? That would be fair for democracy, it would be fair for society and it would give some credibility to this institution.

**Mr. Paul DeVillers (Simcoe North, Lib.):** Mr. Speaker, I want to touch on a few of the points raised in the debate this afternoon: first, the question of the meaning of the word conjugal in the legislation; second, the amendment to include the meaning of marriage in the interpretive clause; and third, comments made by members across the way, in particular one to the effect that only married couples, not even common law opposite sex couples, should receive benefits under this legislation.

With respect to the definition of conjugal, I would like to read from a brief presented by the Canadian Bar Association to the committee. At page 6 of the brief it reads:

Concerns have been expressed on two fronts with respect to the use of the word "conjugal". First, there is a concern that benefits are being based solely on sexual

activity. We note, however, that this terminology is not new in the law. Most legislation currently defines heterosexual common-law spouses in terms of whether there is a "conjugal" relationship. We would also suggest that a "conjugal" relationship has been defined by the courts to include more than just sexual activity. Second, some have questioned why benefits are not being granted to those cohabiting in non-sexual, familial relationships. However, this Bill is principally intended to remedy the government's failure to extend rights and obligations to gay and lesbian couples living in conjugal relationships when it extended such rights and obligations to heterosexual couples living in similar relationships.

Governments may wish to discuss extending rights and benefits to non-sexual relationships, but that is an entirely different question. The CBA has no position on whether benefits should be extended in this manner. However, it does believe that this Bill should pass now, with consideration being given to extended family relationships after thorough consultations on the public policy implications.

• (1735)

That is exactly what is happening. The minister has referred the question of extending benefits to persons who are in positions of dependency to committee. The government intends to pursue that matter as suggested in the brief of the Canadian Bar Association, after holding consultations on the full public policy implications.

Much has been made about the definition of conjugal, but as the brief from the Canadian Bar Association sets out, this has been used in the heterosexual context for quite some time and is a system that has been functioning without any undue hardship, so it is difficult to understand why it should be such an issue in the context of Bill C-23.

The second point I wish to speak to deals with the government's amendment to include in the interpretive clause the meaning of marriage.

I understand that some members opposite have made reference to a legal opinion obtained from Mr. David M. Brown, who is a partner in Stikeman Elliott's civil litigation department in Toronto, who practises commercial and corporate litigation and administrative law. In that opinion Mr. Brown indicated that if parliament, by introducing this amendment, was trying to make marriage, as a matter of federal law, the lawful union of one man and one woman to the exclusion of all others, this amendment would not do that. I submit that was never the intent of the amendment.

At the outset, in tabling the bill, the Minister of Justice made it quite clear that Bill C-23 would have no impact and no effect upon marriage. That was the government's position and that remains the government's position. This amendment has been added for greater clarity in the interpretation clause because the issue was raised by the opposition, by others and by witnesses at committee who felt that Bill C-23 would somehow affect marriage.

Bill C-23 would not affect marriage, and that was not its intent. Bill C-23 also would not affect the five principles of the Canada Health Act. However, there is no amendment in the interpretation

*Government Orders*

clause to say that Bill C-23 would not affect the five principles of the Canada Health Act because no one at committee, in the House or elsewhere has alleged that it would. An amendment is being inserted by the government in the interpretive clause of Bill C-23 to the effect that it would not affect marriage because of the allegations made by some that it would.

It is obvious that the common law case law has provided the meaning of marriage. That case law remains in place, so the state of the law has not changed. It never was the intention of the government in introducing Bill C-23 to change it.

The third point I wish to raise deals with comments made by members opposite that federal laws should only recognize married couples, as they would support committed relationships that would be the best to raise children. In other words, common law couples of the opposite sex with children should not receive these benefits. The obvious difficulty with that proposition is that by extending benefits to married couples only would effectively reintroduce the concept of illegitimacy which Bill C-23 removes from our law.

The Government of Canada continues to emphasize the importance of families and the importance of supporting families, most recently in the last Speech from the Throne. The government wishes to aid all families with children—married couples, common law couples and lone parents—so that the children will not be discriminated against. That is what we should bear in mind, the well-being of the children.

• (1740)

To suggest that children who are being raised by lone parents or by common law parents be ignored and that benefits be given to married couples only risks disadvantaging some children. This would be as if the government were reintroducing the notion of illegitimacy, recognizing only legitimate children.

The second point would be that if obligations in Bill C-23 and other federal statutes were limited only to married couples, this might open the government to accusations that the law actually discriminates against married couples. In fact the Income Tax Act was amended to include common law opposite sex couples, not because common law couples asked for that change but because married couples complained that they were paying more taxes than their common law equivalents.

One example would be that it would make sense for the government to continue to apply the Bankruptcy and Insolvency Act to married couples only, as is currently the case. The effect of Bill C-23 would be that the provisions of the Bankruptcy and Insolvency Act would apply to all couples, common law opposite sex couples and common law same sex couples, in addition to married couples.

At the present time any transfers of property just before someone files for bankruptcy are reviewed to see if they were intended to defraud creditors where someone was married, but not where they were in a common law relationship. Bill C-23 would have the effect of bringing equity to all of those relationships.

It is important to bear in mind that indeed the purpose of Bill C-23 is to apply equity to all relationships, whether they are same sex common law, opposite sex common law or married couples.

**Mr. Ken Epp:** Mr. Speaker, I rise on a point of order. Since the member brought forth some very interesting things which are of great importance, I wonder whether we could have unanimous consent for five minutes to ask questions and make comments.

**The Deputy Speaker:** Is there unanimous consent for five minutes of questions and comments?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance):** Mr. Speaker, I have listened to members debate this subject for a good part of the day. What I have heard raises a concern over the disagreement in opinion.

For some reason, if a member stands in the House to disagree with a piece of legislation, members on the other side will call the member all kinds of things. I heard the word “bigot” used today. I have heard a number of others words. It seems that this is the way the government works, that if a member is in disagreement with any piece of legislation that comes to the House the member will be labelled. It has been a tactic in Canada for far too many years.

People outside the House who have concerns about legislation are to the point where even they are afraid to stand in public to voice their concerns because they are afraid of being labelled.

I want the House to know and I want the people of Canada who are listening to this debate to know that there are members on this side of the House who will not be intimidated by that tactic. We will say what has to be said. We will say it on behalf of our constituents. No amount of name calling and no amount of labelling will stop us. They can keep on calling us what they want to call us. It will not stop us.

Let us look at Bill C-23. Sixty-eight federal statutes are to be amended. What a glorious day this is for the lawyers of the country. What a glorious day the government has provided once again for its friends in the legal community. What a glorious day of trying to interpret exactly what the bill means. It is a heyday for them.

*Government Orders*

• (1745)

The government is too afraid to define marriage. It is a shame. Marriage is one of the main cornerstones of society. Yet the government refuses to define it. It refuses to define conjugal. Yet it is willing to put this piece of garbage into legislation and force it upon the people of the country, to force it down their throats whether or not they like it.

Let us have a look at the history of the government with regard to some of these issues. The Liberals are the ones who stand there with their hands over their hearts and say they have consulted with the people, with the provinces, and this is what they have come up with.

I am here to say that there was no consulting. Nobody came into my constituency or any other constituency that I know of. Nobody from the government went to the provinces and talked to them about it. They just decided to do that and since they decided to do it the public has become aware.

There has been mention in the House time and time again of the concern we hear back from our constituents on this piece of legislation. Bill C-23, in the constituency of Okanagan—Shuswap, has now overtaken Bill C-68, the firearms legislation. It has overtaken child pornography in the concerns of the people of the Okanagan—Shuswap area.

There is concern out there. We are not getting hundreds of signatures or hundreds of letters. We are getting thousands of letters, faxes, e-mail, petitions and phone calls from the people who pay our wages.

The hon. member for Souris—Moose Mountain wanted to know if maybe his constituents were confused because he was being inundated with calls and letters with regard to this piece of legislation. I want to assure him that his constituents are not confused, not one bit.

Every other member in the House, even those on the other side who will vote in favour of the bill, are getting the same from their constituents. Yet they will refuse to stand on behalf of their constituents because they will have to go against their party whip. That is a shame for a country that is supposed to be called a democracy. We have not seen democracy in this country since the second world war, and that is a shame.

Let us look at the poorly written, poorly drafted piece of legislation which the minister has decided to put forward. It is the first piece of legislation, I heard today, that was brought forward by the minister since she has been here. I cannot believe it. It is something that will be fought over in courts for centuries to come if it is accepted. Members over there know quite well that this is will happen.

The bill is not even based on dependency and we are supposed to be looking at dependency. It is based on something called conjugal relationships, not whether or not the person is in need of assistance but his or her sexual habits. It does not make any sense. It makes no sense to anybody.

• (1750)

What about caregivers, people who give up their jobs to stay home and help their parents? They think they owe a debt to not only their parents but to society to help them through their troubled years. That is not addressed. They refuse to address it. I do not understand it. I do not know if it is something that happens when we get to the great hallowed halls of this institution.

**An hon. member:** It didn't happen to you.

**Mr. Darrel Stinson:** No, it did not happen to me and I can tell the House why. When the government tells me how good something is, I study it and then I think maybe I should hit my head against the wall to make sure I am reading it right. If it still concerns me I go out and talk to the public about it, and nine times out of ten the public will set me straight. I am not ashamed to say that I have gone back to my constituents who have said that maybe I have been down in Ottawa a bit too long. They tell me what they want.

It is about time all members of the House start to realize that their job is to bring the concerns of their constituents to the House, not to take from the House and tell constituents what they will get, shut up and like it. It is time we all started to learn that.

An hon. member on the other side mentioned the Speech from the Throne. We can go through any Speech from the Throne and discard it in the wastebasket like we have done for years. What is said at that moment means absolutely nothing. It is all for show. We all know it and the people of Canada know it. It has never been anything more than that to the government. Its object is to jam its agenda down our throats whether or not we like it. Those who do not like it will be branded, labelled and shut up one way or another until they are too afraid to stand up and disagree. That is the agenda of the government.

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, I rise on behalf of the people of Surrey Central to to debate government Bill C-23. For the benefit of those who are watching the debate and for the benefit of the Liberals, in this bill the government is giving out marriage-like benefits while failing to effectively define marriage. A vast majority of Canadians are opposed to it.

The official opposition is the only party in the House opposed to the bill and we have the support of the public right across this great nation. The constituents of Surrey Central are calling me every day opposing the bill. I have not received more calls, letters or e-mail messages than I have received on this particular important issue.

*Government Orders*

My constituents are urging the Canadian Alliance to remain firm as a pro-family party. They are characterizing the Liberals as an anti-family party.

What is it that my constituents are opposing? The vast majority supports families. We support marriage as a union between a man and a woman to the exclusion of all other relationships. I will talk about the definition of marriage for a moment. The Liberals say they have included the definition of marriage in the justice minister's so-called marriage amendment. However that amendment is not included in the 68 federal statutes affected by the bill. If this definition of marriage is good enough to put in the preamble of Bill C-23, why is it not good enough for all the statutes it changes?

• (1755)

**An hon. member:** Because they do not really believe in it.

**Mr. Gurmant Grewal:** Exactly. The Minister of Justice contradicts statements by other cabinet ministers. One example was the Secretary of State for Multiculturalism and responsible for the Status of Women when speaking about who qualifies for benefits under Bill C-23.

Let me talk for a moment about the definition of conjugal relationships. Cabinet ministers appearing as witnesses before the committee that just finished with the bill disagreed on the definition of conjugal relationships. That definition is key to the operation of the bill. One minister says that sexual activity is involved in a conjugal relationship. Another minister says no, it has nothing to do with sex. It shows that this weak, arrogant Liberal government does not know what it is doing.

There are other problems. The justice department's testimony before the committee talked about the ineffectiveness of the justice minister's marriage amendment to the bill. Independent legal opinion confirms the ineffectiveness of the justice minister's marriage amendment. The same opinion supports the very substantive approach of the official opposition.

Finally there is the poor legislative approach inherent in Bill C-23. The Liberals refuse to be clear on who qualifies. How do people know if they qualify? Will the government appoint sex inspectors in everyone's homes?

The Liberals are driving people into court to determine if they qualify for benefits. Many people will be launching lawsuits as soon as the legislation is passed. This weak, arrogant Liberal government which lacks vision is continually forcing important decisions to be made by our courts. The elected representatives of the people should be making those decisions, and not the judiciary.

There are two other problems. Another aspect of the bill the Liberals would like us to ignore is that there is no requirement for information sharing between departments. People could claim a

conjugal relationship exists in order to qualify for benefits but claim to be just roommates when it comes to paying obligations. What are the ramifications of the bill as it applies to ongoing obligations after one moves from one relationship to a new relationship with a new partner? The bill says nothing about that.

Let us talk about cost for a moment. Canadians have no information about how much it will cost taxpayers. The Liberals will tell us "Don't worry, be happy. It won't cost much". Who believes them? They said that they would get rid of the GST. They also said that our military cannot have Cadillac helicopters because they cost too much, and now it has no helicopters.

What about the experts who say that as soon as the legislation is passed every person who lives with another person, regardless of the true relationship, will be applying for benefits? What about the flood of benefits taxpayers will have to pay for if the floodgates are opened? The pundits are correct when they say that it will cost millions and even billions of taxpayer dollars because the bill is so weak, vague and undefined.

This weak Liberal government has no vision, not even a blurred vision. Its lack of vision actually makes its policies anti-family. There is nothing that the weak and ineffective Liberal backbenchers, who are mostly from Ontario, can do about it.

• (1800)

Let us look at the anti-family policies of the government. Let us talk about taxes and families. The current taxation system supported and maintained by the Liberals discriminates against families with a stay at home parent. Those families pay 100% more taxes than families where both parents work.

The government has been saying since 1993 in its red book, which has proven to be a red light for meeting its promises, that it would provide a day care program. The Canadian Alliance proposes a 17% tax that would apply to all families equally. We have a pro-family policy.

Let us talk about child pornography. The B.C. court and courts in other provinces if I am correct have struck down our laws against child pornography. The Liberals have done nothing about this except to leave the matter to the courts to deal with. A year and a half has gone by and we have not seen a single bit of improvement or any initiative from the government.

We asked the government to use the constitution's notwithstanding clause to protect our children and allow the anti-pornography laws to remain operable until our elected officials in the House could change the old laws. We have a pro-family policy but the anti-family Liberals will not do that.

The people of Surrey Central are proud to have me co-sponsor and support 19 of the many amendments the official opposition has

*Government Orders*

submitted on the bill. We have offered the government many opportunities to do the right thing. All of my amendments use the same words and state very clearly: "Spouse means either of a man or a woman who has entered into a marriage". That is the exact text of all 19 of my amendments. My colleagues and I are trying to amend all 68 statutes to strengthen the definition of marriage.

In the time I have remaining I will continue to read excerpts from e-mails and letters that I have received from my constituents. As I said before, I have received a number of letters and e-mails. This one is another letter of support for family values. She says, "My husband and I are completely in agreement with your view that marriage between a man and a woman is the foundation of the family and the basis of our nation. I hope you continue to use your influence to encourage MPs from the other parties to help vote down this bill". I received many, many more letters.

In conclusion, all these quotes urge the government to adopt our amendments. Remember that strong families make strong communities and stronger communities make a stronger nation.

**Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance):** Mr. Speaker, I have been paying attention to today's debate. Obviously emotions have been high when it comes to this issue and the way people see marriage and families and the future of those definitions. There is obviously much to be said about it.

It also saddens me a bit to speak to this bill. I have seen it is a constant trend with the government that it does not seem to produce bills that actually bring consensus, that bring people together or try to find solutions to hard problems. Instead it introduces bills and types of legislation that pull the country apart at different levels as we can imagine.

I find it very saddening being a young person in the House who looks to legislation that hopefully will try to bring people together and find consensus. Unfortunately, the government does not really believe in that. It only believes in trying to promote its own agenda, its own political groups and the power surrounding that. That gives me a little bit of sadness in talking about this bill.

I expressed those sentiments because I saw how passionately some of my colleagues spoke about the definition of marriage and how that should be upheld in the law. When I reflect on the type of letters I have received in my constituency office and my Ottawa office, there has definitely been overwhelming support on strengthening the definition of marriage and keeping it between a man and a woman.

• (1805)

There are some people who feel, especially when we look at this bill which is called the modernization of benefits and obligations

act, that the government has not approached the idea of modernizing benefits in an inclusive way. Again it has done it in a way that keeps it strictly based on conjugal relationships. If the government were serious about modernizing its benefits act, maybe it would have looked at some other options of trying to deal with other relationships that are based on dependency rather than strictly on sex. A few people have talked about this.

I am not afraid to say that I have friends in different communities, whether they are heterosexual or homosexual or same sex relationships. There is even no agreement in those communities. I think about the same sex friends who are in same sex relationships. Many of them do not want to change the definition of marriage. They believe it is an institution that has been created in history and is something that needs to be continued as being a relationship between a man and a woman. They want to try to strengthen that. There are people in the community who feel that way. Obviously there are others who do not agree with that. But many of my friends have told me that.

What they would like to see and what they were hoping to see in the leadership from the government was that if it were serious about modernizing benefits then maybe it would move away from the requirement of conjugal relationships. I will give an example.

Since this bill has come into play, my grandfather of all people, who follows politics quite closely and more so since I was elected, gave me a call. He said that he would like to know a bit more about the bill, especially because of the relationship between he and his daughter. She has been taking care of him over the past number of years since my grandmother passed away. He was enquiring about benefits in that relationship. He has been paying in for years and years and he wanted to know whether he could transfer those benefits to his daughter when he passed away. Unfortunately, given the way the benefits are outlined in current legislation, those types of sharing and dependent relationships are not allowed to look at that option.

When we look at this bill as modernizing benefits and obligations, how has the government attempted to be more inclusive of different relationships, if that is what it is trying to do? Or if it really cares, how has it tried to be more inclusive in bringing people together rather than causing this rift and pulling people apart as we see in this debate?

It upsets me to some extent to see how the government has refused to look at any other options on that level. I think that the concern for many of our colleagues, which has been explained during the course of this debate, is how caring is the government.

As was mentioned by a few of our colleagues, the concern with this bill which is an omnibus bill, is what effects changing the definition of marriage will have on a number of other statutes. My

*Government Orders*

colleague who spoke prior to me and many of my other colleagues have said that they would like to see the same definition of marriage in the bill put at the end of the bill as well to make sure that the definition does not compromise or negatively affect that definition of marriage. The government has said that it is committed to that but we have not seen any real effort to give those people who are committed to that definition the sense of comfort that it will be committed to that through the whole process.

• (1810)

As we approach the next round of the debate and as we approached the bill going to committee, especially with the type of evidence the official opposition has raised in the debate concerning the effects of the various legal opinions particularly on marriage and even benefits, hopefully the government will approach the debate, as I have identified, in a more inclusive rather than a restrictive manner strictly based on conjugal relationships. Many of our members would like to see how the government will deal with that issue and if the government is just providing lip service or if in fact it does care about Canadians.

For people who pay into a system of benefits, those benefits should be available to them when they are ready to claim them or passed on to the right people. Concerning the view of equality, as the official opposition we constantly do talk about the idea of equality of all Canadians, all citizens and all provinces. It is something we fundamentally believe to our core. Unfortunately, even though the government claims to believe in those things, in the end we do not see that extended to many other levels especially, as I have mentioned a little today, to the idea of dependent relationships.

A number of colleagues have been trying to advance the debate to see whether there is any angle that can be pursued with this bill to make us somewhat unified as we approach the modernization of benefits. I do not know whether we will see the government take part in that part of the debate fairly.

Some of my colleagues spoke about how it should be cherished and how we should as a group of members of parliament, continue to support the family as much as we can. We should continue to make policies in this place that support families and Canadians and which strengthen them. That is really the way a country can remain strong. My colleague before me mentioned that.

The official opposition has put forward a number of solutions which we hoped the government would consider in its decision making and obviously it has not. They are ideas like a fairer tax system not only for all Canadians but for families and the idea of looking at ways to deal with justice issues so that we can make families more protected and stronger. It seems to me the government refuses to look at these sorts of options especially when it comes to tax fairness for families. When we look at the issue of modernizing benefits, the government is very narrow in its focus and does not really look at ways to help Canadians on a broad based level. That is very disheartening for this side of the House.

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I appreciate the opportunity to address the bill at this stage.

In the debate of these amendments we have heard that perhaps the government members and other members in the House who support the bill may be supporting a bill that does not get quite sophisticated enough with the issues that are driving the legislation. We have heard that perhaps the title, modernization of benefits, should drive the entire legislation and should allow us by reason only of the title itself to begin reviewing all elements of the social safety net, the means by which the Government of Canada with the support of taxpayers provides a social safety net infrastructure for all Canadians.

I for one reject that suggestion. I certainly do not blame members in opposition for constructively criticizing the legislation before the House, but the bill was not intended to be a review of a reconfiguration or a reworking of the entire federal social safety net. It was not intended to do that.

The bill was intended to redress a number of items in a lot of government legislation. These areas are certainly referred to in the amendments and in the bill.

• (1815)

I want to confirm for the record and for my constituents, if anyone thought the bill attempted to redefine marriage, that it certainly does not. It was never intended to. In case anybody thought the bill might in some way do something or fail to do something that impacted on the definition of marriage in Canada, an amendment at committee inserted into the preamble of the bill, right up front for everybody to see, an explicit reconfirmation of the definition of marriage in Canada.

I suppose one might have tackled this point another way. One might have reopened every federal statute referred to in this omnibus bill and inserted a definition. In the view of a number of members that was not necessary because the definition of marriage in Canadian law is already very clear.

Originally it was articulated by the courts in Canada some 125 years ago. A definition that has been around and clearly stated for 125 years could not possibly be unclear to anyone. Along with a resolution adopted by the House approximately a year ago, the definition is very clear.

**Mr. Grant McNally:** You did not appeal the Rosenberg decision.

**Mr. Derek Lee:** Mr. Speaker, the member for Dewdney—Alouette obviously wants to speak to the bill. I hope the Chair will recognize him in due course. Now he is going to check with his friends.

*Government Orders*

In any event, the bill purports to be more precise and use more modern language when dealing with the issue of benefits accorded under various pieces of federal legislation. It also deals with the concept of mutual obligation. In reorganizing, rewording and reconfiguring some of these definitions, as much as it deals with benefits the bill also deals with obligations whether they are mutual or whether they are from the citizen and taxpayer to the government. Therefore as long as couples, whether heterosexual or not, fall within the definition of what the statutes hold out as a common law couple, will come forward in dealings with the federal government as couples. That entails obligations as well as benefits.

Someone said that a computer calculated run through of the costs and benefits of the legislation indicated that there was a slight edge in favour of revenues to the government. It surprised me, but if a computer calculates there are slightly more revenues than costs involved, so be it. I am not sure that was the intention but I am sure the finance minister, by the same token, will not be too unhappy about it.

The amendments we are debating in the House are intended to address the last vestiges of the word illegitimate. As my colleagues know, that word has been around in common law for a century, two centuries or more. I have not read every statute referred to in the legislation, but I am advised that this amending bill will remove from federal legislation every reference to the word illegitimate as it pertains to the status of a child.

• (1820)

I am confident that all Canadians will accept that as an appropriate minor technical semantic but an amendment that looks at the status of children. No child ever had any control over where he or she came from. They simply end up in the world as one of us.

There are other elements in the bill which were not ever intended to be a substantial or radical reworking of our federal social safety net but rather an attempt to deal with charter issues that have been raised recently and going back a number of years. These charter issues have to do with how we describe ourselves, what a common law couple will be and what a common law union will be.

The number of relationships falling under that rubric has grown in modern society. It may well continue to grow. This is something over which we in the House do not have much control. People are going to get together as couples and in partnerships domestically and outside formal marriage. That is simply a reality that exists in Canadian society. We have to take account of it. At least it is to the benefit of children who find themselves happily with two good parents. We do not need to be specific about the gender. Two good parents are better than one. Then we will want to do that for children.

I will close by indicating my support for the bill. I have every intention of voting on the report stage amendments as they are put to the House.

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):** Mr. Speaker, I am pleased to rise on this debate today. There are a couple of points I want to focus on. The government has made an attempt to define marriage by bringing forward an amendment. The jury is still out. Obviously there is some question as to whether in fact it will do the job. I do not want to focus on that. A number of my colleagues have already talked about that part of the discussion.

However another whole area has been left out of the debate which I find quite frustrating. I spoke to it originally, the last time we debated Bill C-23. I believe the bill has been put together quite hastily. Other very good options have been brought forward that could have dealt with this point. One of my colleagues brought forward another solution which he calls the registered domestic partnership. I think that is something on which we should be focusing. It is a lost opportunity.

I am frustrated the government has refused to deal with that. When Bill C-23 was first debated there was no doubt in my mind that the government brought it together very quickly. It was very frustrated with what was going on with the billion dollar boondoggle. It wanted a diversion in the House. It has not worked. The public still is very frustrated with the accountability and the way the government spends money. The end result is that we now have a very poorly drafted bill which is not well thought out. It did not look at all the options presented by my colleague and others.

Because it was done so hastily and so quickly it will be left to interpretation. All kinds of court cases will result. It has to go through that process and at the end of the day it will cost taxpayers a lot of money that is not necessary. That is my frustration with the bill.

Why should dependency be based on a conjugal relationship? What exactly is a conjugal relationship? If we look at the true definition of the word, which has been pointed out by my colleagues, it is based on a sexual relationship. Is that how we should be putting legislation through in the House? Should it be based on a sexual relationship before one can receive benefits?

• (1825)

What I find frustrating is how the House operates. A member from an opposition party, the member for Edmonton Southwest, put forward some very good solutions. He even offered them to the government to use as its own solutions but they were ignored. That is one of the frustrating aspects for me.

He basically wanted to remove the sexuality from it. Benefits should not be based on sexuality. In any type of a relationship there are other solutions available but the government has specifically chosen to ignore that. I think that was the way to go. If there are two people in a caring relationship, why should they be excluded because they are not in a sexual or conjugal relationship?



*Adjournment Debate*

The government has missed an opportunity. It has come back with an amendment I think because of public pressure. We in this party led the charge on this by forcing the debate on the definition of marriage in a supply day motion in June of last year. To their credit, many government members voted in favour of that, which I believe was the right thing to do. However, when the government first brought Bill C-23 down it did not include that in the bill.

Now there is some discussion again as a result of pure public pressure. My office has received all kinds of correspondence and calls on this. The government hastily made an amendment to the bill. I applaud the government for at least acknowledging the public pressure on this and including the definition of marriage as between one man and one woman to the exclusion of all others. However, it was done so hastily that one wonders whether the government has changed anything and whether it will actually have an impact on all the legislation that it needs to. I do not think that question has been decisively answered. I think that still needs to be done.

The government put this together at the last minute. It even put together a last minute amendment which we are not sure will do the job that is necessary. I personally was pleased to see the amendment come forward but I do not know if it will do the job.

The most frustrating part is that the government refused to look at a perfectly good solution by the member for Edmonton Southwest. He has been trying to put his registered domestic partnership theory forward for two years now, which I think would have been the best solution for everyone and something that all members of the House could have supported. It would have addressed the decisions by our higher courts that some of our laws had to be dealt with.

It was frustrating to see the government hastily throw together a bill for what I saw as political reasons. It wanted to get something on the order paper. It needed to introduce this bill because it was getting hammered on the billion dollar boondoggle.

We are left with a bill which, as some of my colleagues have pointed out, will probably end up in numerous court cases and go through the whole legal process all the way to the Supreme Court of Canada. Of course that takes years and years to happen and will cost millions and millions of taxpayer dollars. That should not have to be done just because we have refused to take the time to do it properly in the House and have refused to accept suggestions from members of all parties in this debate.

Should the government be able to decide in five minutes that it has a solution and then bring in a bill and that it is? We can debate for eons in here, we can go on for months and months but it falls upon deaf ears. The government does not accept changes.

Yes, the government did bring in an amendment on the definition of marriage but it was purely due to public pressure. I know

pressure was out there because the phones in my office have been and still are ringing off the hook.

I am not convinced that Bill C-23 is what we want. I wish the the government would have followed the advice of the member for Edmonton Southwest, who I think has put forward a very sensible alternative to this bill.

---

## ADJOURNMENT PROCEEDINGS

• (1830)

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### THE ENVIRONMENT

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, in February 1999 the government announced a three point strategy to protect Canadian water basins. The three components of the strategy are: first, amendments to the International Boundary Waters Treaty Act; second, a Canada-wide voluntary accord negotiated with the provinces to prohibit the bulk removal of water from all Canadian water basins; and third, a joint Canada-U.S. reference to the International Joint Commission.

The first component, the amendments to the International Boundary Waters Treaty Act, were introduced on November 22, 1999. Some concerns have been expressed, including mine, about this legislation.

As to the second component, the International Joint Commission issued its report on March 22 on the protection of the waters of the Great Lakes. The commission said that in order to protect the Great Lakes' ecosystem, Canada and the U.S. should erect such high barriers to bulk water exports that they would practically constitute a ban. The commission also said that trade law obligations do not prevent Canada and the U.S. from taking measures to protect our water resources.

On March 1, I asked the Minister of the Environment what progress he had made on the second component of the strategy, namely, the Canada-wide voluntary accord with the provinces. Today I would like to speak about the urgency of enacting a federal ban on water exports.

The Canadian Council of Ministers of the Environment attempted to reach agreement in November on the accord for the prohibition of bulk water removal from drainage basins. Nine ministers endorsed the accord, but four jurisdictions have reserved their position pending further consideration.

*Adjournment Debate*

The provinces have been very critical of the federal government's approach, saying that the federal ban on water exports is necessary.

British Columbia's minister of the environment wrote, and I quote:

Without strong federal legislation, I fear—and fully expect—that provinces will be faced with ever-increasing pressure from corporate interests who want water treated solely as a commodity.

The International Joint Commission does concede in its report that if one company were allowed to export water, others would have to be given that right.

I should add that those corporate interests have come close three times already to making bulk water exports a reality. When Sun Belt Water Inc. applied for a permit to export water from British Columbia, when the McCurdy group tried to export water from Gisborne Lake in Newfoundland, and when the Nova Group obtained a permit from Ontario to siphon water from Lake Superior and ship it by tanker to Asia, public outcry led to provincial refusal to grant such permits. As a result, British Columbia, Manitoba, Ontario, Quebec and Newfoundland have passed legislation to ban bulk water exports.

Now the federal government plans to make reliance on provincial goodwill as a formal policy through a voluntary accord. It is time the federal government acts where it has jurisdiction because in light of our international trade agreements a patchwork of provincial initiatives is inadequate. What we need now is a watertight federal ban on water exports.

Once the federal government is in a leadership position, then it can sit down to negotiate an accord with the provinces. This is urgently needed because of increasing corporate interest in our water resources, and also because in The Hague, Holland, on World Water Day, delegates from 118 countries acknowledged, in a declaration on water security, the severity of the water crisis.

In light of this development, tonight I would like to ask the parliamentary secretary, will the federal government take leadership, ban water exports and then actively seek agreement with the four provinces which are still holding out?

**Mr. Lawrence D. O'Brien (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, water is not only a necessity of life, it is essential in many ways to the quality of our lives.

Canadians are deeply concerned about the long term security and quality of our freshwater. One issue that has recently captured the attention of Canadians is the prospect of bulk water removals and export from Canadian watersheds.

The federal government responded to these concerns in February 1999 with a three part strategy to prohibit bulk water removal from major watersheds. The strategy recognizes that the most effective and certain way to protect Canada's waters is to take an environmental approach. Our goal is to shut off the tap at the source, not at the border.

• (1835)

I will take a moment to report on the progress which has been made by all governments and the International Joint Commission in advancing this strategy.

Last November the Minister of Foreign Affairs tabled Bill C-15, an act to amend the International Boundary Waters Treaty Act to prohibit bulk water removals from boundary waters, principally the Great Lakes. This is a key federal contribution to the protection of Canada's waters under the Canada-wide accord.

A second element of the strategy was a giant Canada-U.S. study by the IJC to examine water use in the Great Lakes basin. On March 15 the IJC presented its final report to the Canadian and U.S. governments on the protection of the waters of the Great Lakes.

The report is consistent and reinforces the federal strategy to prohibit bulk water removals, including recognition of the environmental basis for action, the need for intergovernmental co-operation in protecting waters, and the trade consistency of the federal approach.

The IJC concluded that international trade law does not prevent Canada and the U.S. from taking measures to protect their water resources and preserve the integrity of the Great Lakes basin.

## FISHERIES

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, a couple of weeks ago I asked the Minister of Fisheries and Oceans about disturbing reports coming out of Newfoundland from DFO scientists about crab stocks, how according to scientific reports from the Department of Fisheries and Oceans the crab stocks appear to be on the low end. They appear to be declining in Newfoundland and Labrador.

That is the reason I asked the question. That is a very disturbing report to hear from the Department of Fisheries and Oceans because of the similar reports we heard in the eighties and early nineties on cod stocks.

It was the responsibility of prior Conservative governments and it is the responsibility of the current Liberal governments to manage and to preserve the fish and the fish habitat.

Unfortunately the record has been quite shameful over the years. The five species of west coast salmon are in trouble. Atlantic

salmon on the east coast are in trouble. Cod stocks on the east coast are in trouble. It was very disturbing to hear about the shellfish, from which we could gather great revenues if harvested properly and sustainably, which could provide economic opportunities for people in the outports.

My colleague from Labrador is a very good friend of mine and I am sure he is also very concerned about the depleting fish stocks.

We have a Minister of Fisheries and Oceans from the west coast who generally shows great concern toward the fisheries. He has stood in the House time and again and said that the precautionary principle would be the guiding principle of all decisions made by fisheries and oceans.

I could not help but notice the other day when the Minister of Fisheries and Oceans announced a 10,000 tonne quota cut on the cod in 3Ps. That was just announced the other day. The reason for that follows very disturbing reports that the cod in that area are not coming back.

Premier Tobin of Newfoundland, who is a former minister of fisheries and oceans, even stated that in Newfoundland and Labrador they are catching the crab far too rapidly.

When I posed a question to the minister about what would be done to preserve the precious, fragile crab stocks off Newfoundland, he said that prior to the Liberals forming the government in 1993 fisheries brought in \$243 million to the province of Newfoundland and Labrador. Now it is \$543 million.

Liberal times are good times. That was exactly his answer. He did not answer the question as to what the government would do to preserve the fish stocks.

• (1840 )

My question is: Will the Canadian taxpayer be paying for the hangover from the Liberal good-time party if crab stocks decrease?

I do not have the scientific expertise to say that they are decreasing, but DFO scientists, who have been ignored repeatedly over the years, have the expertise. One of the classic examples of DFO officials being ignored was when Dr. Hutchings and Dr. Myers wrote a scathing report on how the DFO treats its own scientists. The Parliamentary Secretary to the Minister of Fisheries and Oceans knows about that report. These very prominent scientists and fish biologists left the DFO in disgust because their recommendations and their scientific advice was ignored repeatedly by the fisheries ministers. We had dangerously low levels of cod and salmon on both coasts.

### *Adjournment Debate*

The fear which all of us have in the House and everywhere across the country will be that Canadian people will not accept the TAGS-3 program. They will not accept the ability—

**The Deputy Speaker:** The hon. Parliamentary Secretary to the Minister of Fisheries and Oceans.

**Mr. Lawrence D. O'Brien (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the recent assessment of Newfoundland snow crab concluded that the stock has declined. Research surveys indicate that the biomass of commercial size crab declined by 45% from the fall of 1998 to the fall of 1999, and that the biomass of smaller crab, which will enter the fishery in 2000, also declined.

We are taking these warning signs very seriously. We should not try to draw simple parallels between the collapse of the cod stocks and the current situation with crab. The biology of crab and the nature of the fishery are very different from those of cod and other fin fish. For example, the crab fishery targets only larger males, using traps designed to allow smaller males and all females to escape. All stocks are inherently variable, with shellfish stocks generally displaying greater variability.

Snow crab resources go through natural periods of abundance and decline. Crab stocks were at record high levels through the 1990s, and the department has given warnings on many occasions that decline should be expected when environmental conditions change.

In all of our public consultations, particularly at the snow crab management seminar held in Newfoundland in 1999, we have advised the industry that the high level of abundance seen in recent years would not be sustained due to the natural fluctuation of the stock.

Conservation of the snow crab resource is the priority. The management of this fishery in 2000 will take full account of the current status of the resource to ensure that conservation is not jeopardized.

**The Deputy Speaker:** The motion to adjourn the House is deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.43 p.m.)



# CONTENTS

Monday, April 3, 2000

## PRIVATE MEMBERS' BUSINESS

Mr. Stoffer .....	5549
<b>Natural Gas</b>	
Mr. Laliberte .....	5549
Motion .....	5549
Mr. St. Denis .....	5551
Mr. Bailey .....	5552
Mr. Lebel .....	5553
Mr. Casey .....	5554
Mr. Myers .....	5556

## GOVERNMENT ORDERS

<b>Modernization of Benefits and Obligations Act</b>	
Bill C-23. Report stage .....	5558
<b>Speaker's Ruling</b>	
The Acting Speaker (Ms. Thibeault) .....	5558
<b>Motions in amendment</b>	
Mr. Robinson .....	5558
Motions Nos. 1 and 3 .....	5558
Mr. Strahl .....	5558
Mr. Robinson .....	5558
Mr. Strahl .....	5559
Mr. Wappel .....	5559
Motion No. 5 .....	5559
Mr. Lowther .....	5559
Motions Nos. 7, 9, 10, 12, 13, 15 and 16 .....	5559
Mr. Boudria .....	5560
Mr. Lowther .....	5560
Motions Nos. 18, 19, 21 to 24, 27, 28, 31 to 33, 35, and 37 to 39 .....	5560
Mr. Benoit .....	5561
Motion No. 41 .....	5561
Mr. Lowther .....	5561
Motions Nos. 43, 44, 46, 47, 49, 50, 52, 53, 55, 56, 58, 60, 61, 63, 64, 66 to 68, 70, 71, 73 to 76, 78, 79, 81, 82, 84, 86 to 90, 94 to 96, 98, 99, 101, 102, 104, 105, 107 to 110, 113, 115, 116, 135, 137, 138, 140, 142 and 143 .....	5561
Mr. Epp .....	5564
Motion No. 144 .....	5564
Mr. Lowther .....	5564
Motions Nos. 146 to 149, 153 to 158, 160, 161, 163, 164, 166 to 169, 171 and 172 .....	5564
Mr. Robinson .....	5565
Mr. Wappel .....	5566
Mr. Lowther .....	5568
Mr. Ménard .....	5569
Mr. Maloney .....	5570
Mr. McNally .....	5571
Mr. Forseth .....	5573
Mr. Bachand (Richmond—Arthabaska) .....	5575
Mr. Obhrai .....	5576
Mr. Bachand (Richmond—Arthabaska) .....	5576
Mr. Breitkreuz (Yorkton—Melville) .....	5576
Mr. Robinson .....	5578
Mr. Breitkreuz (Yorkton—Melville) .....	5578
Mr. Robinson .....	5578
Mr. Breitkreuz (Yorkton—Melville) .....	5578

## STATEMENTS BY MEMBERS

<b>Canadian Cancer Society</b>	
Mr. Charbonneau .....	5578
<b>Occupational Health and Safety</b>	
Mr. Obhrai .....	5579
<b>Canadian Cancer Society</b>	
Mr. Myers .....	5579
<b>United Nations Security Council</b>	
Mr. McWhinney .....	5579
<b>BioChem Pharma Inc.</b>	
Mrs. Jennings .....	5579
<b>Health</b>	
Mr. Breitkreuz (Yorkton—Melville) .....	5579
<b>Walk of Fame</b>	
Mr. Alcock .....	5580
<b>Fight against Poverty</b>	
Mrs. Gagnon .....	5580
<b>Grands Prix Tourism Awards Gala</b>	
Mr. Proulx .....	5580
<b>The Environment</b>	
Mr. Jaffer .....	5580
<b>Canadian Conservative Reform Alliance</b>	
Mr. Bélanger .....	5581
<b>Housing</b>	
Ms. Davies .....	5581
<b>Quebec Economy</b>	
Mr. de Savoye .....	5581
<b>Raoul Stuart Blais</b>	
Ms. Catterall .....	5581
<b>Volunteers</b>	
Ms. Vautour .....	5582

## ORAL QUESTION PERIOD

<b>Health</b>	
Miss Grey .....	5582
Mr. Chrétien (Saint-Maurice) .....	5582
Miss Grey .....	5582
Mr. Chrétien (Saint-Maurice) .....	5582
Miss Grey .....	5582
Miss Grey .....	5582
Mr. Chrétien (Saint-Maurice) .....	5582
Mr. Mills (Red Deer) .....	5583
Mr. Rock .....	5583
Mr. Mills (Red Deer) .....	5583
Mr. Rock .....	5583
<b>Human Resources Development</b>	
Mr. Duceppe .....	5583
Ms. Brown .....	5583
Mr. Duceppe .....	5583
Ms. Brown .....	5583
Mr. Gauthier .....	5584



Mr. Strahl .....	5592
Ms. Davies .....	5594
Mr. Schmidt .....	5595
Mrs. Ablonczy .....	5597
Mr. Solberg .....	5598
Mr. Mills (Red Deer) .....	5600
Mr. McKay .....	5601
Mr. Epp .....	5602
Mr. Reynolds .....	5604
Mr. Obhrai .....	5605
Mr. Abbott .....	5606
Mr. Hubbard .....	5608
The Acting Speaker (Ms. Thibeault) .....	5608
Mr. White (Langley—Abbotsford) .....	5609
Mr. Schmidt .....	5610
Mr. White (Langley—Abbotsford) .....	5610
Mr. Thompson (Wild Rose) .....	5610
Mr. Bailey .....	5611
Mr. DeVillers .....	5612

Mr. Epp .....	5613
Mr. Stinson .....	5613
Mr. Stinson .....	5614
Mr. Grewal .....	5614
Mr. Grewal .....	5615
Mr. Jaffer .....	5616
Mr. Lee .....	5617
Mr. McNally .....	5617
Mr. Lee .....	5617
Mr. Lunn .....	5618

#### **ADJOURNMENT PROCEEDINGS**

##### **The Environment**

Mr. Caccia .....	5619
Mr. O'Brien (Labrador) .....	5620

##### **Fisheries**

Mr. Stoffer .....	5620
Mr. O'Brien (Labrador) .....	5621

**MAIL  POSTE**

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**03159442**

**Ottawa**

*If undelivered, return COVER ONLY to:*

Canadian Government Publishing,  
45 Sacré-Coeur Boulevard,  
Hull, Québec, Canada, K1A 0S9

*En cas de non-livraison,*

*retourner cette COUVERTURE SEULEMENT à:*

Les Éditions du gouvernement du Canada,  
45 boulevard Sacré-Coeur,  
Hull, Québec, Canada, K1A 0S9

**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliamentary Internet Parlementaire at the following address:  
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :  
<http://wwwparl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**

**On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9**

**On peut obtenir la version française de cette publication en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9**