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OFFICIAL REPORT
(HANSARD)

Tuesday, February 15, 2000

Speaker: The Honourable Gilbert Parent

CONTENTS

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

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HOUSE OF COMMONS

Tuesday, February 15, 2000

The House met at 10 a.m.

Prayers

• (1005)

POINTS OF ORDER

DRESS CODE—SPEAKER'S RULING

The Speaker: You all know our dress code in the House. At times we do permit voting by males who do not have shirts and ties on. Today I am giving special permission to one of our members to speak in the House. He will be wearing a turtleneck. I refer to the hon. member for New Brunswick Southwest who has just had a medical procedure. We will therefore relax the rules today as he cannot wear a collar around his neck.

[*Translation*]

TABLING OF DOCUMENTS

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, I rise on a point of order.

I have in my hands a document offering a brief overview of monetary unions of independent states, entitled "Un court historique des unions monétaires d'États indépendants". In light of the Minister of Intergovernmental Affairs' introduction of a bill denying the fundamental rights of Quebecers, I am requesting the unanimous consent of the House to table this document.

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

[*English*]

Mr. Derek Lee: Mr. Speaker, I thought we had entered Routine Proceedings. We are most anxious to get on with our day.

The Speaker: We have not entered Routine Proceedings. I recognized the hon. member on a point of order and he spoke.

[*Translation*]

Before continuing, I want to point out that yesterday I received a letter from another member concerning a point of privilege he wished to raise. I do not know exactly what the Bloc Québécois whip wanted to do, but I am now going to listen to the question of privilege raised by the hon. member for Calgary Centre.

* * *

[*English*]

PRIVILEGE

BILL C-23

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, I rise on a question of privilege with regard to Bill C-23, an act to modernize the statutes of Canada in relation to benefits and obligations.

The government let it be known that it would table Bill C-23 on Friday, February 11, 2000. The bill was tabled at noon on that day which is the prescribed time for tabling bills on a Friday pursuant to Standing Order 30.

In an e-mail that was sent from John Fisher, Egale@sympati-co.ca, the author outlined in detail his analysis of Bill C-23. It was sent at 10.56 a.m. on Friday, one hour and four minutes before Bill C-23 was tabled in the House of Commons.

In order to do an analysis of a omnibus bill such as Bill C-23, the author would have had to be in possession of the bill many hours before his e-mail transmission.

With references from the authorities on parliamentary procedure and rulings from two distinguished Speakers, I will attempt to defend the integrity, the dignity and authority of the House. I will try to defend against what I view as a mockery of the parliamentary system.

• (1010)

My question of privilege holds the Minister of Justice responsible for leaking information and the author of the aforementioned e-mail for obtaining and using information contrary to parliamentary law and practices.

This problem is not new. On April 20, 1999 the matter of the government leaking a government response to a report of the

Privilege

Standing Committee on Foreign Affairs was raised in the House. The next day the government House leader apologized for the leak and assured the House it would not happen again.

The very next day after the apology, the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development stood up in the House and quoted from an in-camera meeting.

When the parliamentary process is circumvented in this manner, the role of the House is misrepresented.

On October 10, 1989 the integrity of the House was also under siege and ironically the member who came to the defence of parliament was the hon. member for Windsor West, the now Deputy Prime Minister. The Deputy Prime Minister was quoted in a Speaker's ruling as saying that it was clearly contempt of parliament to misrepresent the role of the House.

While the Speaker in 1989 did not rule a prima facie question of privilege, he did say:

I want the House to understand very clearly that if your Speaker ever has to consider a situation like this again, the Chair will not be as generous.

On November 6, 1997 the Speaker said of a similar matter:

—the chair acknowledges that it is a matter of potential importance since it touches the role of members as legislators, a role which should not be trivialized. The dismissive view of the legislative process, repeated often enough, makes a mockery of our parliamentary conventions and practices. I trust that today's decision at this early stage of the 36th Parliament will not be forgotten by the minister and his officials and that the department and agencies will be guided by it.

On page 95 of Marleau and Montpetit it states:

Much like a court of law, the House of Commons enjoys very wide latitude in maintaining its dignity and authority through the exercise of contempt power, which is inherent to any superior court. In other words, the House may, through its orders consider any misconduct to be contempt and may deal with it accordingly. This area of parliamentary law is therefore extremely fluid and most valuable for the Commons to be able to meet novel situations.

This House can no longer allow its dignity and authority to be mocked in this way. The consequence of inaction only encourages it to continue.

Very recently the Prime Minister announced the date of the budget outside the House. As far as I know, this has never been done before. Not only did it put egg on the face of the Minister of Finance, but the Prime Minister showed arrogance and disrespect for the House of Commons.

It was not that long ago when the Minister of International Trade who on March 30, 1998 sent out a press release entitled "Marchi Meets with Chinese Leaders in Beijing and Announces Canada-China Interparliamentary Group". At that time there was no Canada-China interparliamentary group. The minister gave the impression to some one billion people in China that the association existed when parliament had not approved it.

We had the naming of the head of the Canadian Millennium Scholarship Foundation by this government before there was legislation setting up the foundation.

We had the matter raised by the member for Prince George—Peace River regarding the Canadian Wheat Board on February 3, 1998.

Another case involving the Department of Finance was argued on October 28, 1997.

There is a litany of cases of leaked committee reports that go unchecked and unchallenged. It is time that we take this matter seriously.

Madam Speaker, if you rule this to be a prima facie question of privilege, I am prepared to move the appropriate motion today.

Mr. Chuck Strahl (Fraser Valley, Ref.): Madam Speaker, it is important to note that the Speaker ruled in previous cases that this problem, an ongoing problem, would not be dealt with so kindly in the future as it has been in the past. In other words, I believe the Speaker expressed a good deal of concern that information, which should be coming first to the House, is being given, for whatever reasons, to other groups and organizations and leaked to the media.

• (1015)

It is important to note that in his past ruling the Speaker said that enough is enough and that it is time for the government to treat this institution with the respect it deserves.

There is another thing which is important to note in this case as we enter into the debate on Bill C-23. The objection is not with the bill itself which we will oppose for other reasons that will be brought forward shortly in debate, but it is for the disrespect the government chooses to exhibit toward this place. It should be treating this place with the dignity it deserves and members of parliament with the dignity they deserve.

The member opposite seems to think it is just fine to take a bill that should be tabled in the House, give it to other people ahead of time and get them to issue press releases. They get advance copies even before members of the House.

Madam Speaker, that is the problem. That is why I ask that you rule that this is a prima facie question of privilege. The member could move the appropriate motion and we could discuss this further because again it shows disrespect for the House.

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, the member opposite raises a point which is raised in the House from time to time. Members are quite appropriately sensitive to the

parliamentary traditions and the rules that we follow in particular with respect to impending legislation.

In this case there is an allegation that someone outside the House had knowledge of impending legislation. Of course that is not a surprise or a secret to anyone because this legislation had been speculated on frequently over the last few weeks. In fact, the government did quite a bit of consultation with citizens on the bill. Notice of the bill being introduced in parliament was tabled in the House.

It is worth noting that nowhere is there a suggestion here that the individual referred to had a copy of the bill. It is clear that the individual would have had some knowledge of some elements of the bill as did members of parliament around the House.

Quite frequently the press is able to put together enough information about impending legislation to write about it before the bill is actually introduced. That is one of the things that happened in this case.

I would just note that the government does consult with citizens and groups. Ministers do it, ministries do it and members of parliament do it. Consequently members of the public do have knowledge of elements of impending legislation. I suggest that is what has happened here.

I would also point out that it is not the government, the minister or the ministry which has prepared the briefing or publicly sent a letter attempting to analyse the bill. It was a citizen. I hope there is no fault alleged in relation to the minister here.

In any event I make those comments for the record and hope that they will assist the Chair.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Madam Speaker, I have listened to the explanation of the deputy government House leader. I find it quite ironic that he can indicate that an individual would make an in-depth analysis of his feelings of the ideas behind a bill. When someone uses the term in-depth analysis, it implies that they have the document in front of them and have been able to analyse what it all means. I find it is very hard to believe the comments of the deputy government House leader.

Mr. Eric Lowther: Madam Speaker, I have heard the comments from the other side. I want to advise the House and yourself that I have in my possession an in-depth analysis that has been done on the bill by this particular group which we feel this bill was leaked prior to its being delivered to the House.

The in-depth analysis comments on the terminology used in the bill. It comments on sections of the bill that were included and parts that were omitted. It talks about a detailed analysis of this bill. I would be quite prepared to table this document for your review, Madam Speaker, in consideration of this prima facie breach of the integrity of this House.

Points of Order

• (1020)

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House for the hon. member to table the document?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): There is no consent. At this point the Chair will take the matter under consideration and will get back to the hon. member in the briefest possible time.

* * *

[Translation]

POINTS OF ORDER

TABLING OF DOCUMENTS

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Madam Speaker, following the introduction of a racist bill denying the fundamental rights of Quebecers, I wish to table in this House an article from last December 17th's *Le Devoir*, entitled "Jacques Parizeau to *Le Devoir*: Canada will have no choice but to negotiate".

I would like to table this document in order to provide some enlightenment to those nonentities across the floor who are seeking to deny the fundamental rights of Quebecers, their freedom of choice in a democratic system.

The Acting Speaker (Ms. Thibeault): Is there consent for the tabling of this document?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill denying Quebecers their basic rights, I ask for unanimous consent to table a document that will enlighten the House.

The document is entitled *Le maintien d'une union monétaire avec un Québec séparé*, and deals with maintaining a monetary union with a separate Quebec. I can even quote an excerpt "Since most studies show it would be in the interests of a Quebec separated from the rest of Canada to uphold a monetary union, why would the latter not accept this solution?"

Here is the answer "Using a foreign currency is something much more complicated than simply declaring it legal tender. A viable monetary union would imply a few legal agreements and common institutions".

The Acting Speaker (Ms. Thibeault): I think the hon. member has made her point. Is there unanimous consent?

Some hon. members: Agreed.

Points of Order

Some hon. members: No.

Mr. René Laurin (Joliette, BQ): Madam Speaker, the Minister of Intergovernmental Affairs has introduced a bill denying Quebecers their basic rights.

Therefore I ask for consent to table another document referring to a story published in the daily *Le Soleil* under the heading "Chrétien Hagglings". This document might surely enlighten the House.

The Acting Speaker (Ms. Thibeault): Is there consent to table that document?

Some hon. members: Agreed.

Some hon. members: No.

Mr. René Canuel (Matapédia—Matane, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill denying fundamental rights of Quebecers, I ask for unanimous consent of the House to table a document.

An hon. member: No.

Mr. René Canuel: Just wait to know what it is about. They do not know what it is about and already they refuse.

It is an article published in *Le Droit* on December 8, 1995, which shows that the 50% plus one rule is valid everywhere in Canada, except for Quebec.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the tabling of the document?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Monique Guay (Laurentides, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill denying fundamental rights of Quebecers, I ask for unanimous consent of the House to table a document which will enlighten it.

• (1025)

It is an article published in *La Voix de l'Est* on December 31, entitled "When Clarity Becomes Obscure".

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the tabling of this document?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Pauline Picard (Drummond, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill denying fundamental rights of Quebecers, I ask for unanimous consent of the House to table a document which will enlighten it.

This document is entitled "A separated Quebec has the moral and legal right to use the Canadian dollar". I would like to quote the following "Quebec will continue to use the Canadian dollar. We actually have close to one-quarter of the total Canadian money supply through bank notes, deposits and assets in financial institutions, and that represents more than \$100 billion Canadian. We legally own—"

The Acting Speaker (Ms. Thibeault): I believe the hon. member has made her point. Is there unanimous consent for the tabling of this document?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Christiane Gagnon (Québec, BQ): Madam Speaker, further to the the Prime minister's decision to introduce a bill denying Quebecers their fundamental rights, I ask the unanimous consent of the House to table a document that could enlighten it.

It is an extract from the report on the territorial integrity of Quebec, should it accede to sovereignty, that was tabled in May 1992 before the Commission d'étude des questions afférentes à la souveraineté in the Quebec National Assembly. It says that when a territory is well defined, the existing limits constitute the new state's borders.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the hon. member to table this document?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): Madam Speaker, I would like to join with my colleagues to ask for the unanimous consent of the House to table a document relevant to the debate on Bill C-20. This bill was introduced by the Minister of Intergovernmental Affairs who is, of course, in cahoots with the Prime Minister.

It is an article published in the December 2 issue of *La Presse* entitled "Quebec alone must see to the clarity of the question".

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the tabling of this document?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Madam Speaker, we know that at 7 p.m. tonight an important meeting will be held against Bill C-20 at the Ramada Hotel, on rue de la Couronne, in Quebec City.

We all know that this bill denies the fundamental rights of the Quebec people. I ask for the unanimous consent of the House for everybody in the greater Quebec City area to attend that important meeting.

Points of Order

I ask the consent of the House to table a document that will enlighten the House. It is a document entitled “The political and constitutional statutes of Quebec”.

Let us get together tonight at 7 p.m. at the Ramada Inn.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mrs. Maud Debien (Laval East, BQ): Madam Speaker, as we know, unfortunately, the government introduced a bill that changes the referendum rules in Quebec. I ask for the unanimous consent of the House to table a document that will enlighten all members of the House.

This is from the referendum act of the State of Maryland, in the United States of America.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Gérard Asselin (Charlevoix, BQ): Madam Speaker, following the Prime Minister’s decision to introduce a bill denying Quebecers’ fundamental rights, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, the hon. member for Matapédia—Matane, the hon. member for Rimouski—Mitis, the hon. members for Charlevoix and the hon. member for Manicouagan will hold tomorrow, at the Hôtel Sept-Îles, an important press conference to condemn Bill C-20, which denies Quebecers’ fundamental rights, and to also condemn the federal government’s policy not to have a committee travel to consult Quebecers.

I ask for the unanimous consent to table a document to that effect.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

• (1030)

Mr. Bernard Bigras (Rosemont, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill denying Quebecers’ fundamental rights, I ask for the unanimous consent of the House to table a document that will enlighten members.

This is a study by the C. D. Howe Institute on the currency of an independent Quebec.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Maurice Godin (Châteauguay, BQ): Madam Speaker, further to the introduction by the Minister of Intergovernmental Affairs, the king of arrogance and court jester, of an arrogant bill denying Quebecers their basic rights, I ask for the unanimous consent of the House to table a document that will enlighten this House.

It is an article published in the daily newspaper *La Presse* on December 24 of last year entitled “Quebec’s Response to Jean Chrétien Rekindles Sovereignist Fervour”.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of Canada of a bill denying the fundamental rights of Quebecers, I ask for the unanimous consent of the House to table a document that will enlighten this House.

It is an article published in the daily newspaper *Le Devoir* on January 27 entitled “Ontario After a Yes Vote”. That article clearly shows that Ontarians feel they could very well live with a yes vote in Quebec and that a partnership—

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jean-Paul Marchand (Québec East, BQ): Madam Speaker, I would like to inform the House that a rally will be held tonight, at the Ramada Inn on de la Couronne Street, in Quebec City, to denounce the bill of the intergovernmental affairs minister. That bill, as we all know, denies Quebecers their fundamental rights.

I seek unanimous consent of the House to table a document that will enlighten this House. It is an article published in the daily newspaper *Le Soleil* on January 6 entitled “Legislation on Referendum Rules”, in which we can see that Joe Clark, the leader of the Progressive Conservative Party, remains opposed to the bill—

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Maurice Dumas (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, I have an excerpt from the report on Quebec’s territorial integrity in the event that Quebec achieves sovereignty, which was tabled in May 1992 before the committee to examine matters relating to the accession of Québec to sovereignty, at the National Assembly of Quebec, and which states that the principle

Points of Order

of legal continuity leads to the upholding of Quebec's territorial integrity.

Following the introduction of the bill denying Quebecers their fundamental rights, I ask for the unanimous consent of the House to table this document.

The Acting Speaker (Ms. Thibeault): Does the hon. member have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Paul Mercier (Terrebonne—Blainville, BQ): Madam Speaker, following the introduction, by the Minister of Intergovernmental Affairs, of a bill denying the fundamental rights of Quebecers, I ask for the unanimous consent of the House to table a document that will enlighten the House.

It is a document on the Canadian dollar and Quebec's separation. To convince my colleagues across the way of the capital importance of this document, I will read a brief excerpt from it.

It states that "in the Parti Québécois' bill on sovereignty, the currency having legal tender in Quebec shall remain the Canadian dollar". This position has for a long time—

The Acting Speaker (Ms. Thibeault): Does the member have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Ghislain Lebel (Chambly, BQ): Madam Speaker, I have no doubt that I will get the unanimous consent of the House, primarily because I am seeking it.

Following the introduction, by the Minister of Intergovernmental Affairs, of an unfair bill denying Quebecers their fundamental rights, I ask for—and I reiterate my request—the unanimous consent of the House to table a document that will enlighten our ignorant friends opposite.

• (1035)

It is an article published in November in *La Tribune* newspaper of Sherbrooke, in the nice riding of my colleague to my right, entitled "Dumont Qualifies the Initiative by Chrétien and his Gang as Sterile".

The Acting Speaker (Ms. Thibeault): Does the hon. member have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Ms. Caroline St-Hilaire (Longueuil, BQ): Madam Speaker, to protect Quebec's interests following the introduction, by the Minister of Intergovernmental Affairs, of a bill denying the fundamental rights of Quebecers, I would like to have the unanimous consent of the House to table a document.

It is an article published in *Le Devoir*, a very good newspaper, on February 1 entitled "Quebec Made its Choice in Davos".

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Madam Speaker, following the introduction, by the Minister of Intergovernmental Affairs, of a bill denying the fundamental rights of Quebecers, I ask for the unanimous consent of the House to table a document that will enlighten my friends opposite.

It is an article published on December 4 in *Le Devoir* entitled "Quebecers Want no Interference from Ottawa".

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Odina Desrochers (Lotbinière, BQ): Madam Speaker, I would like to inform the House that a rally to condemn Bill C-20 will be held tonight in Quebec City, the true national capital.

This rally will be held at the Ramada Inn, on rue de la Couronne, in the Saint-Roch section of Quebec City. I ask the people of Lotbinière who are listening to attend the rally, as well as the people of Lévis-et-Chutes-de-la-Chaudière, Quebec East, Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans and Louis-Hébert—

The Acting Speaker (Ms. Thibeault): I would ask the member to please stick to the point of order he raised.

Ms. Hélène Alarie (Louis-Hébert, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill that denies the fundamental rights of Quebecers, I ask for the unanimous consent of the House to table a document that will enlighten it.

It is a document entitled "Quebec Today". On the front page is a picture of the beautiful city of—

The Acting Speaker (Ms. Thibeault): The hon. member knows full well that she is not allowed to use a prop in the House. Is there unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Ghislain Fournier (Manicouagan, BQ): Madam Speaker, following the introduction by the Minister of Intergovernmental Affairs of a bill that denies the Quebec people their fundamental

rights, I ask for the unanimous consent of this House to table a document that will enlighten it.

It is the speech that Mario Dumont—I think you know Mr. Dumont—made on TV regarding Bill 99 and the federal legislation on referendum rules. I could read a few lines of his speech, just the introduction—

The Acting Speaker (Ms. Thibeault): Is there unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Serge Cardin (Sherbrooke, BQ): Madam Speaker, “with a little bit of luck, this awful intergovernmental affairs minister could have done an amazing number of things in life”.

• (1040)

I am quoting this excerpt from an article in *Le Soleil* on December 12, concerning the hon. member for Saint-Laurent—Cartierville. The title of the story is “The Blues of the Insurance Salesman”.

For the information of the Liberal members opposite, I request unanimous consent to table this document.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Madam Speaker, for the information of my colleague opposite who said this intergovernmental affairs minister is the best they ever had, which is hardly a compliment for his predecessors, I would like to table a document entitled “The Antidemocratic Drift of the Federal Government”.

After the introduction of a bill denying the fundamental rights of Quebecers, I think it is important that the House be aware of this document which shows that, as a matter of fact, the federal government is behind this antidemocratic drift.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the tabling of this document?

Some hon. members: Agreed.

Some hon. members: No.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker,

Routine Proceedings

pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government’s response to eight petitions.

* * *

[Translation]

INTERPARLIAMENTARY DELEGATIONS

Mrs. Maud Debien (Laval East, BQ): Madam Speaker, pursuant to Standing Order 34, I have the honour to table, in both official languages, the report of the Canada-Japan Interparliamentary Group and the related financial report.

The delegation took part in the seventh general assembly of the conference on the environment and development in Chiang Mai, Thailand, from November 20 to 23, 1999.

* * *

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I have the honour to present the 17th report of the Standing Committee on Procedure and House Affairs regarding the membership of the Standing Committee on Fisheries and Oceans.

* * *

SAMUEL DE CHAMPLAIN DAY ACT

Mr. Greg Thompson (New Brunswick Southwest, PC) moved for leave to introduce Bill C-428, an act establishing Samuel de Champlain Day.

He said: Madam Speaker, I am pleased to introduce today an act establishing Samuel de Champlain Day.

Samuel de Champlain recognized the importance of this country, Canada, and was influential in the development of two further settlements, one at Port Royal in the Bay of Fundy and one in Quebec, which earned him the title of the Father of New France.

Champlain Day, which would be recognized by this bill, would be important to us in New Brunswick simply because the year 1604 was the year in which Champlain settled on the Island of St. Croix in the St. Croix River. We are going to have a celebration of that event in the year 2004 on the 400th anniversary.

I am pleased to introduce the bill and hope that the House will give it further consideration.

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

Routine Proceedings

● (1045)

PETITIONS

CHILD PORNOGRAPHY

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, it is my privilege and distinct honour to present three petitions to the House this morning.

In the first petition the petitioners pray that parliament take all the necessary measures, up to and including the use of the notwithstanding provision of the charter of rights and freedoms, to ensure that possession of child pornography remains a serious criminal offence, and that police forces be directed to give priority to enforcing this law for the protection of children.

NATIONAL HIGHWAYS

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, the second petition calls upon parliament to prioritize funding for the national highway system in the 2000 budget to reduce fatalities and injuries on the roadways, to alleviate congestion, to lower vehicle operating costs, to reduce emissions, and to improve Canada's competitiveness, economic development and overall economic prosperity.

CHILD PORNOGRAPHY

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, finally I present a petition with 1,500 names. It deals with a very significant subject already introduced in the earlier part of my presentation of petitions, but this one comes to the fore in a very strong motion from a number of people.

The petitioners pray that parliament ensure that present provisions of the Criminal Code of Canada be redefined to bring increased clarity as to what constitutes child pornography and that parliament make changes to any law which might be used to endorse the possession of child pornography.

These petitions have my support.

CHARTER OF RIGHTS AND FREEDOMS

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Madam Speaker, pursuant to Standing Order 36 I have the honour to present a number of petitions on behalf of the constituents of my great riding of Bruce—Grey.

The first one deals with the charter. It come from Formosa and Mildmay. The petitioners ask that all references to God remain in the charter.

GENETICALLY MODIFIED FOODS

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Madam Speaker, the second petition comes from Leith, Owen Sound and Kemble and deals with genetically modified foods.

The petitioners ask that all genetically modified foods be subject to labelling.

CHILD POVERTY

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Madam Speaker, the third petition comes from all areas in my riding of Bruce—Grey and deals with child poverty.

The constituents ask that all possible services be provided by the Government of Canada to eradicate child poverty this year.

Mr. Gordon Earle (Halifax West, NDP): Madam Speaker, I am pleased to present eight petitions which contain hundreds of names and concern Canadian children living in poverty.

We know that on November 24, 1989, the House of Commons unanimously resolved to end child poverty in Canada by the year 2000. Since then we realize that the number of poor children has increased over 60%.

The petitioners call upon parliament to use federal budget 2000 to introduce a multi-year program or plan to improve the well-being of Canada's children and to end poverty by the year 2000.

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I also have a petition to present with respect to poverty. The petitioners point out that one in five Canadian children live in poverty and that on November 24, 1989, the House of Commons unanimously resolved to end child poverty in Canada by the year 2000. Since 1989 the number of poor children in Canada has increased by 60%.

The petitioners call upon parliament to use federal budget 2000 to introduce a multi-year plan to improve the well-being of Canada's children. They urge parliament to fulfil the promise of the 1989 House of Commons resolution to end child poverty by the year 2000.

I have a second petition on exactly the same topic which I draw to the attention of the House.

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I present yet another petition on behalf of Canadians who are concerned for the more than 18,000 of our fellow citizens who suffer from end stage kidney disease. They point out that kidney dialysis and transplants help many but not enough.

● (1050)

They point out that ministers of health across Canada have difficulties providing dialysis treatment and that rates of organ donation are inadequate for transplantation.

Therefore the petitioners call upon parliament to work and support research toward the bioartificial kidney which will eventually eliminate the need for both dialysis and transplantation.

Routine Proceedings

[Translation]

TRANSGENIC FOODS

Mr. René Laurin (Joliette, BQ): Madam Speaker, I am tabling a petition in the House asking parliament to quickly pass legislation providing for the mandatory labelling of all foods that are entirely or partially genetically modified.

[English]

CHILD PORNOGRAPHY

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, I am pleased to present four petitions today from the riding of Wild Rose. They are calling for exactly what several hundreds of thousands of people have already called for through a petition regarding child pornography and the decision made in a British Columbia court.

The petitioners are basically saying that it is time the government got some intestinal fortitude, started putting an end to judicial activism and started taking its responsibility of looking after the welfare of our country in a much better manner than it has been.

I certainly support these petitions.

NUCLEAR WEAPONS

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Madam Speaker, I have the honour to present a petition signed by hundreds of Canadians from across the land on the issue of nuclear weapons policy.

The petitioners note that the Government of Canada has been a party to the Treaty on the Non-Proliferation of Nuclear Weapons since 1969 and has committed to pursue negotiations in good faith to eliminate nuclear arms from the planet.

They point out that the International Court of Justice stated in a 1996 advisory opinion on the legality of nuclear weapons that the threat would be contrary to the principles of international humanitarian law.

They note that Canadians are concerned about this and they call on the Government of Canada and parliament to advocate the adoption of the report of the standing committee on foreign affairs, the full and prompt implementation of the report's implementations, and the harmonization of existing government positions and programs with the spirit and intent of the report of the standing committee on nuclear weapons.

CHILD POVERTY

Mr. Mac Harb (Ottawa Centre, Lib.): Madam Speaker, I have a petition from many petitioners who want to see federal government budget 2000 introduce a multi-year plan to improve the well-being of Canada's children.

[Translation]

BILL C-20

Mr. René Canuel (Matapédia—Matane, BQ): Madam Speaker, I have the honour of tabling a petition on behalf of many signatories.

The petitioners declare "In the name of freedom, in the name of democracy, in the name of the right to exist as a country, in the name of the promises never kept by the Prime Minister of Canada and in the name of the undemocratic intentions of the Prime Minister of Canada, we humbly request that Bill C-20 be withdrawn and that the Prime Minister resign".

CANADA POST CORPORATION

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, I have the pleasure of tabling a petition signed by concerned citizens in Quebec.

The petitioners want rural letter carriers to be considered employees of Canada Post.

[English]

CHILD PORNOGRAPHY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, it is my honour to present a petition today like that of my colleague from Wild Rose on child pornography. About 8,000 people ask the government to use the notwithstanding clause.

This now brings the petitions up to over half a million from across Canada asking the government to take action on the very serious issue of possession of child pornography in British Columbia.

RURAL ROUTE COURIERS

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, I have a second petition signed by approximately 100 people from my constituency and around that area with regard to rural route mail couriers who work today for less than the minimum wage in many areas.

They ask the government to allow them to have collective bargaining rights, which I think most Canadians would appreciate and want also.

CHILD POVERTY

Mr. Dick Proctor (Palliser, NDP): Madam Speaker, I rise today along with other members including the member for Halifax West to draw the attention of the House the issue of child poverty.

These petitioners from the city of Regina indicate that one in five Canadian children lives in poverty. In the 34th parliament, just over 10 years ago, the House of Commons unanimously resolved to end child poverty in Canada by the year 2000. Instead we have seen child poverty increase by some 60%.

Routine Proceedings

• (1055)

The petitioners are calling upon parliament to use the upcoming federal budget to introduce a multi-year plan to improve the well-being of Canada's children and are urging parliament to fulfil the 1989 promise of the House of Commons to end child poverty by the end of this year.

[Translation]

TRANSGENIC FOODS

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Madam Speaker, I have here a petition signed by constituents in my riding in support of Bill C-309, sponsored by my colleague, the hon. member for Louis-Hébert.

These people and I are asking the government to make it mandatory to label all foods that are totally or partly genetically modified.

Mr. Maurice Godin (Châteauguay, BQ): Madam Speaker, on behalf of my constituents, I wish to table a petition asking for the labelling of genetically modified foods, so that consumers will have all the necessary information when they buy such food products.

RAIL TRANSPORTATION

Mrs. Pauline Picard (Drummond, BQ): Madam Speaker, I have here a petition concerning VIA Rail and the future changes to be made to the railway network.

I am pleased to table in the House this petition signed by people from the riding of Drummond. The petitioners are asking parliament to be vigilant with regard to the anticipated changes to the railway network and to make sure that this decision takes into account services provided to the public. As we know, taxpayers' money is invested in the railway network.

The petitioners are therefore asking parliament to be vigilant, because a reduction in services would have a negative impact on the riding that I represent, and also on the general population.

TRANSGENIC FOODS

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): Madam Speaker, I also have a petition signed by several of my constituents who are asking parliament to adopt as quickly as possible an act providing for the mandatory labelling of all foods that are totally or partly genetically modified.

Like my fellow citizens, I believe we have the right to demand to know what we are eating. It is very important, when we buy products, to be adequately informed.

[English]

QUESTIONS ON THE ORDER PAPER

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, Question No. 56 will be answered today.

[Text]

Question No. 56—**Mr. Rick Casson:**

What are all the administrative costs, to date, of the federal government to deliver the Agriculture Income Disaster Assistance program, including, but no limited to, the following categories: (a) staffing, contract-based or otherwise; (b) consultant fees; (c) advertising costs; (d) lease and rent agreements for (i) office equipment and (ii) office space; (e) travel and expense claims; and (f) telephone, facsimile and courier communication?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): From the outset, it was stated that 3% of the total Agriculture Income Disaster Assistance, AIDA, budget would be allocated to cover administrative costs. A large infrastructure is required to process applications for the program and maintain a high quality of client service. For instance, the AIDA administration has taken more than 130,000 calls on the toll free line from producers in Manitoba and Saskatchewan alone. To date, more than 51,000 producers across the country have applied for assistance and more than \$308 million has been paid out to applicants. The bulk of applications, more than 36,000, were received by the AIDA administration.

Total administrative costs for the AIDA program from the period December 1, 1998 to November 30, 1999 where the federal government delivers the program, are \$15,189,531. Of this total, salaries account for \$5,817,351 and operating costs totalled \$9,372,180.

In response to the specific areas raised in the question:

(a) Salaries account for \$5,817,351 of total administrative costs.

(b) Consultant fees total \$1,541,844, with the majority of costs incurred to develop the infrastructure for informatics necessary to support the program.

(c) Advertising was undertaken to ensure that all eligible producers were aware of the program and sent in an application. Total advertising costs were \$1,516,255.

(d) The cost of furniture was \$16,489. Rentals totalled \$250,277.

(e) Travel costs totalled \$257,405. Travel was necessary to meet with provincial officials on the design and delivery of the program and was arranged to be as cost-effective as possible.

(f) Telecommunications costs totalled \$134,930.

*Government Orders**[English]***QUESTIONS PASSED AS ORDERS FOR RETURNS**

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I ask that the answer to starred Question No. 55 be made an order for return. If the House gives its consent, this return would be tabled immediately.

The Acting Speaker (Ms. Thibeault): Is that agreed?

Some hon. members: Agreed.

[Text]

*Question No. 55—**Mr. Guy St-Julien:**

Can the government produce the list of employee groups within the Public Service, including salaries, that correspond to the employees of the Administration (ADS-D up to 10) and Nursing (OPN) sub-groups at the House of Commons, as of today?

(Return tabled)

[English]

Mr. Derek Lee: Madam Speaker, I ask that the remaining questions be allowed to stand.

The Acting Speaker (Ms. Thibeault): Is that agreed?

Some hon. members: Agreed.

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

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations, be read the second time and referred to a committee.

She said: Madam Speaker, on behalf of the Government of Canada, it is my pleasure to speak in support of Bill C-23, the modernization of benefits and obligations act.

● (1100)

Bill C-23 amends federal legislation so that it reflects these values. It ensures respect for the principle of equal treatment before the law of persons living in recognized stable relationships.

[English]

Bill C-23 ensures that federal laws reflect the core values of Canadians, values that are enshrined in the Canadian Charter of Rights and Freedoms.

The fundamental tenets of Canadian society—fairness, tolerance, respect and equality—are touchstones of our national identity and serve to enhance our international reputation.

Bill C-23 brings federal statutes into line with these values. It ensures that the principle of equal treatment under the law, in relation to individuals in committed common law relationships, is respected.

Equally important, Bill C-23 does so while preserving the existing legal definition and societal consensus that marriage is the union of one man and one woman to the exclusion of all others. Let me briefly elaborate on this point.

This definition of marriage, which has been consistently applied in Canada and which was reaffirmed last year through a resolution of the House, dates back to 1866. It has served us well and will not change. We recognize that marriage is a fundamental value and important to Canadians. That value and importance is in no way undermined by recognizing in law other forms of committed relationships.

The timing of this bill is important. As Canadians have pointed out, society is ready for this change. In fact there have been numerous challenges before the courts and human rights tribunals concerning the equal treatment of same sex couples. The results of these processes have invariably been the same. Common law same sex couples must be accorded the same access as common law opposite sex couples to the social benefits programs to which they have contributed.

To ignore either obligations or benefits is discriminatory and in violation of both the charter of rights and freedoms and the Canadian Human Rights Act. Indeed, this was the ruling of the Supreme Court of Canada in the case of *M. v H.* But while the courts have provided us with a road map of what needs to be changed, the onus is on us as parliamentarians to determine how to proceed.

Important matters of social policy should not be left to the courts to decide. If parliament does not address the issue, the courts will continue to hand down decisions in a piecemeal fashion, interpreting narrow points of law on the specific questions before them.

Government Orders

This guarantees confusion and continuing costly litigation. Most worrisome, it risks removing us from the social policy process altogether.

In recent surveys more than two out of three Canadians agreed that same sex couples should have the same legal rights and obligations as their common law opposite sex counterparts. The changes we are proposing are consistent with our previous efforts to adapt policies to changing values. They are also consistent with the efforts of other jurisdictions and the private sector. For example, last year parliament passed Bill C-78, which extended survivor pension benefits to same sex partners of federal public service employees. Manitoba, Quebec, Saskatchewan, British Columbia, Ontario, New Brunswick, Nova Scotia, Yukon, Nunavut and the Northwest Territories have undertaken similar initiatives for their public service employees. As well, several provinces have already begun to amend their legislation more broadly.

• (1105)

Since 1997 British Columbia has amended numerous statutes, including six core statutes, to add same sex couples.

Last year Quebec amended 28 statutes and 11 regulations to grant same sex couples the same benefits and obligations that are available to opposite sex common law couples.

Last fall, to comply with the supreme court decision in *M. v H.*, the Government of Ontario passed omnibus legislation to bring 67 statutes into compliance with that court ruling.

Most large cities in Canada and more than 200 major private sector Canadian companies currently provide benefits to the same sex partners of their employees, as do many smaller municipalities, hospitals, libraries and social service institutions across Canada. We are on the right side of public opinion and we are on the right side of the law.

It is against this backdrop that I would like to clarify what this legislation will do. This omnibus bill provides a responsible, balanced and legally sound framework within which to amend relevant Canadian laws.

The bill will enable us to modernize existing federal laws affecting some 20 departments and agencies. In all, 68 statutes will be affected, including, among others, the Income Tax Act, the Canada pension plan and the Old Age Security Act.

Because of the comprehensive nature of this legislation we will now be able to ensure that our laws confer both benefits and obligations equally to all common law relationships, whether of the opposite sex or the same sex. This is a critical point, the significance of which must not be lost. This law is about equality, and equality is a two-way street. We are not simply extending access to

certain social benefits to same sex couples, we are also imposing new obligations on them.

As I stated earlier, Bill C-23 maintains the clear distinction between married and unmarried relationships. Wherever possible neutral terms are used to define relationships and the partners within them. For example, the term survivor is used in the Canada pension plan context.

Where a neutral term could not be used the act uses the term common law partner—*conjoint de fait en français* to encompass people in common law relationships, both opposite and same sex. The term spouse—*époux en français*—will now be used exclusively in relation to married couples.

Bill C-23 will bring fairness to the application of government benefits and obligations to all common law couples. Let me cite just a few examples.

If we look at the issue of benefits first we can see that the new laws will treat Canadian couples more fairly. Under the Canada pension plan, for example, the surviving spouse in a married relationship or the surviving partner in a common law opposite sex relationship may qualify for survivor's benefits based on his or her spouse's or partner's contributions to the plan. Bill C-23 would provide that in similar circumstances the surviving partner in a common law same sex relationship would qualify for the same benefits.

At the same time however, the changes are, as I mentioned earlier, not one way. Common law same sex couples will also be subject to the same obligations as common law opposite sex couples.

In the case of bankruptcy, for example, the Bankruptcy and Insolvency Act limits the ability of married people to transfer ownership of their home or property to their spouse prior to declaring bankruptcy. Yet, because this statute refers to spouse, it does not apply equally to common law opposite sex or same sex couples. In this instance the changes would provide for similar obligations for married and common law couples.

• (1110)

There are also obligations associated with eligibility for the GST-HST credit. In married and common law opposite sex relationships the combined income of the two partners is used to determine eligibility for the tax credit. By comparison, people in same sex partnerships may currently apply for the credit as individuals. With Bill C-23, in order to determine eligibility to receive this tax credit, same sex couples will now declare the income of their common law partners.

The Department of Finance has concluded that the cost of these measures will be minimal, if any. Clearly this is not a cost issue.

Government Orders

Canadians do not want laws that discriminate unfairly or that violate charter principles. We must proceed expeditiously with this bill because it is clearly the right thing to do. We should be proud to support this bill.

Before I conclude, I would like to address the issue of other dependent relationships in which some members of the House have expressed an interest. I would first like to emphasize that by moving forward with this legislation we are not precluding discussion which has already started on whether or how to acknowledge the nature and reality of the many types of dependent relationships that exist. We know there is some interest in extending benefits and obligations to individuals in other relationships of economic and emotional interdependence.

Dependency is a complex issue with far-reaching consequences for both individuals and society as a whole. It deserves to be studied carefully. It is for this reason that we will be referring this issue to a parliamentary committee.

Indeed, there is a qualitative difference between the relationships addressed in Bill C-23 and the types of relationships that may exist among relatives, siblings or friends living under the same roof and sharing household expenses. The reality is that many adult Canadians currently reside with elderly parents, siblings and other relatives. While benefits that reflect dependency would likely be welcome, it is not quite so clear whether the accompanying legal obligations would be equally well received.

For example, one could take the case of an elderly woman living with her son and daughter-in-law. Should the younger couple's combined income be included in the senior citizen's calculations of her eligibility for the guaranteed income supplement under the Old Age Security Act? Or, consider the example children caring for parents in their home. In one case a daughter supports her widowed father. In the house next door, another woman provides for both her mother and father. How would we treat these cases? Would relationships of dependency apply to any two people who live together or to unlimited numbers as long as they are under the same roof?

Other issues also need to be resolved. These include how dependency relationships would be defined and which relationships would be allowed. Would individuals be allowed to self-identify their relationships or would the government require proof of some kind? Would the government exclude any relatives from these relationships of dependency, as France has done, or exclude only opposite sex common law couples, as Hawaii has chosen to do?

These are not trivial issues and they are not amenable to easy answers. It is for this very reason that we must consult broadly with Canadians. These issues are too important to act on before talking to Canadians about what it means to take the benefits and also what it means to accept the obligations.

• (1115)

Others have endorsed the notion of domestic registries for unmarried adults living in dependent relationships. Under this system two adults living together whether they are unmarried sisters, elderly parents living with an adult child, or lifelong friends who are roommates could register for benefits and obligations. Proceeding down this path requires discussion with those likely to be affected and an assessment of costs and discussion with the provinces and territories.

Moreover it is not clear that voluntary registries are the best solution. What happens for example where a clear dependency exists but one partner refuses to register in order to avoid obligations? Should the relationship be deemed to exist and if couples can register, under what circumstances can they deregister and what if only one of the partners wishes to do so?

There are also important privacy issues to consider. Presumably a registry would be open to the public in the same way registries are for births and deaths. This might result in people being forced to have their relationship publicly known. More important, if such a system were created at the federal level, it would have limited utility as it would apply only to areas of federal jurisdiction.

In Canada where the many pieces of legislation that grant benefits and impose obligations are divided between or shared among the federal, provincial and territorial governments, a registry would require the unanimous agreement of all levels of government. This would be necessary to help assure Canadians that a registry would work effectively, efficiently and fairly.

Proceeding with such a policy on a unilateral basis without public hearings, without assessing the costs and without consulting with the provinces and territories would be irresponsible and unrealistic.

All parliamentarians agree that in considering changes to the system we must encourage rather than discourage people to take care of each other. We must be careful to ensure that any legal changes would not impose obligations that act as barriers to people supporting each other.

This legislation is about ensuring that Canadians in committed common law relationships are treated equally and fairly. This bill is about tolerance and respect. I invite all members of the House to support the bill.

Ms. Marlene Catterall: Madam Speaker, I rise on a point of order. I wish to advise the Chair, pursuant to Standing Order 43(2), that Liberal members for the balance of the debate on Bill C-23 will be splitting their time.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, the short title of Bill C-23 is the modernization of benefits and

Government Orders

obligations act. This bill will affect 68 different federal statutes and 20 different departments and agencies to extend benefits to same sex couples on the same basis as opposite sex common law or married couples.

The bill states in the preamble that it is intended to reflect values of tolerance, respect, equality with respect to the benefits and obligations of all couples. The bill is the government's poorly thought out quick fix approach to an issue which requires a much more thoughtful and comprehensive approach in order to realize the values it says it is intending to reflect.

• (1120)

I will primarily be examining two aspects of the bill that make it so weak in its current form that no thinking person could possibly support the bill. I will also suggest some ways to improve the bill.

Let me begin by reminding the House of a particular motion that was debated and passed in the House by a four to one margin just a few short months ago in June 1999. That motion stated that in the opinion of this House it is necessary, in light of public debate around court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that parliament will take all necessary steps within the jurisdiction of parliament—

Mr. Lee Morrison: Madam Speaker, I rise on a point of order. We all listened intently and politely to the minister. I wonder why she is not here to listen to our speakers.

The Acting Speaker (Ms. Thibeault): The hon. member knows very well that we do not comment on the presence or absence of members in the House.

Mr. Eric Lowther: Madam Speaker, we hope that she is listening out there somewhere.

The motion that was passed by the House back in June was a very clear directive from the Parliament of Canada and the people's representatives to the Government of Canada to make sure that the definition of marriage does not change.

In Bill C-23 the government has ignored that directive from parliament. It has done nothing to strengthen the current definition of marriage in law. Bill C-23 provided the government with an opportunity to respond to the direction from parliament and secure the definition of marriage in federal legislation. This is important.

People have become increasingly concerned that the definition of marriage in Canada needs to be strengthened and protected before the courts because of case rulings one after another that increasingly suggest that the opposite sex definition of marriage may soon be deemed unconstitutional by the courts. In the last two years alone, 84 members of the House have presented petition

petition totalling thousands of names, calling for parliament to enact legislation to define that marriage can only be entered into between a single male and a single female. The people of Canada are speaking.

Are Canadians overreacting or do they have justifiable concerns? Let us examine some of the recent events that have added to public concern about the erosion of the definition and concepts related to marriage.

Until recently Canadians understood the word spouse to be either a husband or a wife in a marriage. I can point to the immigration bill that was recently introduced in the House, Bill C-63, which would give the minister and the bureaucracy under her the power to define what a spouse is, whatever they deemed it to be that particular day.

Bill C-78 was pushed through the House. It was the 52nd bill the government forced closure on. It dealt with the public service pension plan. The bill removed every reference to wife, widow or spouse and replaced them with the word survivor in order to extend benefits previously reserved for marriage to same sex relationships.

In the fall the Minister of Human Resources Development went beyond the Canada Pension Plan Act to extend pension plan benefits normally reserved for married couples to same sex relationships, even though there was no legal or legislative authorization to do so.

In addition, a number of court cases have served to erode the distinctiveness of marriage and the concepts, rights and obligations tied to it. Many Canadians are concerned about this trend. The petitions are evidence of that.

In the courts, the Liberals refused to appeal a tax code case, known as the Rosenberg case. A provincial court redefined spouse to mean two people of the opposite sex or the same sex, even though every dictionary, including all the legal dictionaries, have always understood and still do understand spouse to be either a husband or a wife in a marriage. But the justice minister across the way, her law, the federal law, chose not to appeal the new definition of spouse.

• (1125)

Canadians are watching this trend. Some say the last thing that remains is the full blown establishment of homosexual marriage in Canada as a normative practice. It becomes somewhat self-evident that sooner or later the opposite sex definition of marriage will be challenged in the courts. If the courts can rule that the way Canadians use the word spouse is unconstitutional and must include a same sex definition of spouse, why could they not rule that the current definition of marriage is unconstitutional unless it includes same sex and possibly a variety of other relationships as well?

Government Orders

Due to the lack of accountable leadership from the Liberal government, the courts end up setting social policy often derived from a single case using charter arguments. The Liberal government follows the courts with legislation saying that the courts made the government do it. The people of Canada are totally left out of the process.

Marriage as it has been defined throughout history is significant to people for a variety of reasons. It would be presumptuous of me to attempt to adequately capture all the values and the rationale Canadians have that are associated with why the current definition of marriage is so important to them. It is enough to say that the institution of marriage has been important to Canadian society from the very beginning of our nation.

In marriage a man in relationship to a woman gains the insights, sensitivities and strengths that she brings to the relationship and vice versa. A lifelong committed union of a man and a woman in marriage creates a unit that is stronger than the sum of the individuals because their differences complement each other.

In *Corbett v Corbett* the court said that marriage is an institution upon which the family is built. In other court cases the importance of marriage has been underlined. Let me reference a comment made by Justice La Forest in the Egan case where he said:

The legal institution of marriage exists both for the protection of the relationship and for defining the obligations that flow from entering into a legal marriage. Because of its importance, legal marriage may properly be viewed as fundamental to the stability and well-being of the family and, as such, parliament may quite properly give special support to the institution of marriage.

The kind of positive character modelling we see in marriage with access to both genders does not stay confined to the home but continues with children outside the home and adds a stabilizing and strengthening component to all of society. Recent Statistics Canada studies report that children in home relationships with both parents, mother and dad, have far fewer behavioural problems and a significantly higher percentage complete high school. Marriage is more than just a legal concept defined here; it is an institution that works for families.

According to a 1991 review of research in the *American Journal of Orthopsychiatry* competency levels of children are influenced more by the quality and quantity of their interaction with their parents than by the parents' income or occupation or any other social variables. What kids need from their parents is mainly the parents themselves.

In the 1986 book *Single Mothers and Their Children* political scientist Sara McLanahan found that teenage girls raised with their fathers are far less likely to get in trouble. Fatherless girls are 111% more likely to get pregnant and 164% are more likely to become single mothers. A girl needs her father. We can make the same argument for the influence of mothers on children.

It is also interesting to note that a recent study of young people in Canada found that they aspire to have strong families. In a recent poll 93% of youth predicted that their family would be the most important part of their life. Eighty percent believe that the currently defined marriage between a man and a woman is for life.

Let me also share a comment from one of the editors of a paper in my own city. It captures well the importance of marriage and why marriage needs to be clearly defined in legislation which does not currently exist at the federal level. That is one of the major improvements that is needed to Bill C-23.

• (1130)

Let me quote from Peter Menzies of the *Calgary Herald*. He says:

Laws defining marriage and common-law relationships were not designed just to protect the interests of two people involved in an intimate relationship. They were designed primarily to protect the interests of children. This is because heterosexual intimacy alone results in babies.

Societies decided to do this because: a) procreation is fundamental to the biological survival of the species, and, b) it is by consensus and statistical fact in the best interests of the cultural survival of the species to have its offspring raised in a stable home involving a mother and a father who have made a commitment to each other in sickness and health, until death do them part. That is because society has decided, through tradition and experience, that a male-female marriage is a form of relationship—due to its procreative nature and the depth of commitment required—best suited to act as a societal cornerstone, from a biological and cultural point of view.

To marry, you must be willing to make a lifelong monogamous commitment to the person of the opposite sex. Commitment, monogamy and possibly procreative sex are all typically necessary. If one, the procreative restriction, is not—as the court believes—justifiable in a free and democratic society, then surely monogamy and commitment are just as discriminatory against polygamous and those who wish to keep their options open.

None of this guarantees that all marriages result in perfectly functional families or that non-married relationships are by definition dysfunctional. Statistics, however, support the broadly-held view that—in general—the marriage model remains worthy of the exclusivity society has granted it, even though an increasing number of people prefer—and are free to—live otherwise.

Marriage is important. Marriage is good for kids and marriage needs to be defined in legislation. This is important to Canadians. We have seen the trend.

I want to get back to the concerns that many of the petitioners have raised in the House. It is reasonable for them to assume, based on the trends they have seen, that some day there will be a constitutional challenge to strike down the opposite sex definition of marriage in Canada, but why wait until that happens? Why continue to let the courts lead, as the Liberal government chooses to do on a regular basis, not just on this topic but on many topics? Why not respond? Why not let parliament for once lead instead of having the courts lead? Why not let the voice of the people represented by their elected representatives be what sets the agenda, as opposed to the courts always leading?

Government Orders

If we do not act now, when the courts say later that the charter made them do it, then the Liberals say that the courts made them do it, the question of using the notwithstanding clause will come up again. Would the Liberal government use the notwithstanding clause to defend the current definition of marriage?

Clearly, the Liberals have a position that seems to say that they will never use it. They will do everything in their power to make sure no one else does as well.

It is interesting that Premier Klein of Alberta recently made a pronouncement that if the courts ever ruled in favour of same sex marriage, he would invoke the notwithstanding clause. That is encouraging, but will we ever hear that from the federal government?

It is important to note that the provincial government has the authority to perform or solemnize marriages, but it is the federal government that determines what marriage is. Currently there is no federal statute that states that marriage must be between a man and a woman. Marriage is defined simply in common law, by case law, by judges. It has been decided in the courts over the years that it is a union of a man and a woman, to the exclusion of all others.

• (1135)

In light of the court's demonstrated willingness to redefine language and write into law within the context of the charter and there determine what is "reasonable", it is clearly reasonable for the people's representatives in this parliament to proactively define in legislation that the definition of marriage must remain the union of a man and a woman to the exclusion of all others.

Unfortunately, because the justice minister did not take the opportunity, Bill C-23 does exactly that, to follow the lead and the expressed will of the House to do that. If, and some would say when, the day comes that the Liberal appointed judges determine that limiting marriage to opposite sex partners is unconstitutional, having marriage defined in statute rather than in common law will allow for the expeditious use of the notwithstanding clause to uphold the legislation. Without an existing definition of marriage in statute, one would have to be drafted and put in place if the common law was overridden by a new ruling of the court. Therefore, why are we waiting?

Bill C-23 is a perfect opportunity for the government to act on the vote held here last June that called on the government to do everything possible to protect the current definition of marriage. I remind the House that it was four to one in favour of that motion. There was a large majority in favour that expressed the will of the Canadian people. This is an opportunity to put the statute in place that defines marriage. There would definitely be broad support in the House if the government would include marriage legislation as part of Bill C-23.

I will move to the second aspect of Bill C-23 which warrants examination and substantial reworking. This part of the bill is so horrendously weak, so ludicrous that it is hardly possible to rework it, but we will try to work with this as best we can. I am talking about the part of the bill that defines the new concept of a common law partner.

Bill C-23 defines in statute that a common law partner is an individual person who is cohabiting with another individual in a conjugal relationship, having so cohabited for a period of at least one year. To put this in layman's terms, this basically says that if I live with someone and I have some sort of a conjugal relationship with the person, I now have a common law partner. It does not matter if it is a man or a woman, as long as we live in a house for a year and have some sort of conjugal relationship I now have a common law partner.

Bill C-23 extends every benefit and obligation that we currently have in place for marriage and for family to this new common law partner definition: under the same roof, conjugal relationship. Except for the Divorce Act, there is no difference between a married relationship and a common law partner relationship in the way government policy looks at those relationships.

There are many types of gender relationships: siblings, friends, roommates, partners, et cetera. However, the only relationship the government wants to include is when two people of the same gender are involved in a private sexual activity, or what is more commonly known as homosexuality. No sex and no benefits is the government's approach to this bill. Even if everything else is the same, even if there is a long time cohabitation and dependency, if there is no sex there are no benefits.

• (1140)

Bill C-23 is a benefits for sex bill. It is crazy. Under Bill C-23, benefits will be extended to any person who has had, as the bill says, a conjugal relationship, regardless of sex. It could be male, it could be female, it could be two males or two females. The bill refers to the phrase "conjugal relationship".

According to *Black's Law Dictionary*, conjugal means sexual activity. That is how ever major Canadian dictionary defines it, but the bill does not define it in any way. It does not make reference to the definition. It just uses the term and throws it back to the courts. It has added a new legal expression: A relationship of a conjugal nature. With absolutely no definition of what it means in the bill, we are left to assume that it means what Canadian dictionaries tell us. The government seems determined to make private sexual activity between two people, regardless of gender, the primary condition for benefits, which is what Bill C-23 does.

Bill C-23 is a compliance verification nightmare. Given that sexual relations seem to be the sole criteria for obtaining benefits,

Government Orders

one wonders how the government will know whether a couple is truly having a conjugal relationship or simply trying to obtain a benefit.

Because of the difficulties in proving the conjugal aspect of the benefits equation, the government would be opening up a whole new front of litigation in the future. Upon one cohabitant moving out of a shared residence, he or she could find himself or herself in a position of having to prove that there were no conjugal relations if his or her former roommate claimed common law partner status. That is not too different from the recent *M. v. H.* case we saw ruled on in the supreme court.

In addition, these new common law partners are not required to register anywhere in order to qualify or claim benefits, nor are there provisions for information sharing between federal departments. Thus couples could apply for conjugal benefits under one piece of legislation, while maintaining they were simply roommates or friends for another piece of legislation. That might impose some of the obligations that the justice minister waxed so eloquently about.

This legislation would allow these people to say that they are conjugal to get the benefit, but because there is no information sharing they do not have any of the obligations. They are saying that they are just roommates or friends in another piece of legislation. This does not work.

What about all the people who are left out? The minister talks about equality and fairness. Let me share a story.

I have an elderly gentleman in my riding who was a friend and was down on his luck. This is a senior who is living on a meagre pension. A wealthier person took him in as a friend. They have been sharing accommodation for years. They basically share everything in that household. They have a deep friendship, but it has never crossed their minds, and I doubt if it ever will, for these two men to have any kind of physical physical intimacy or sexual relationship.

An hon. member: Conjuality.

Mr. Eric Lowther: Madam Speaker, with respect to the comment made by the member behind me, that is exactly what would be required for them to qualify under Bill C-23. Bill C-23 totally excludes the kind of relationship that I just spoke about.

The only way for survivor benefits or any of the benefits to be extended to a person who might otherwise be dependent on the public purse is for these two gentlemen to enter into some sort of physical intimacy or sex which they do not want to even entertain. They are left out of this. This is the equality bill. This is equality and fairness, as the justice minister says.

The bill leaves out all kinds of people. The sole criteria is, is it conjugal, is there sex. It is inappropriate and unworkable. If the government is intent on extending some benefits, it would be better to extend them based on some stated dependency agreement which people voluntarily enter into rather than have them excluded all together, which is what Bill C-23 does. Without this consideration of dependency, dependency really means nothing in Bill C-23 and sexual activity is a qualifier as I have said.

• (1145)

I remember when Bill C-78 went through the House. It had a similar kind of approach to this issue. I questioned the treasury board minister at the time in committee. I asked him about it and he responded kind of weakly and kind of meekly that the courts made him do it, that the lawyers wrote it this way.

Does the government serve the people by letting the courts set policy and the lawyers draft the legislation in the whole process? Where is the voice of the people? It is not there. We are not hearing it. The Liberals do not want to hear it.

We launched a lot of committees across the country to get input from people, to hear what they had to say. I remember being a member of the committee that travelled from coast to coast on the issue of custody and access situations that had to be dealt with in divorce. We heard from hundreds, if not over a thousand Canadians, their input on what needed to be done to restructure family law to cope better with marital breakdown and make the law more beneficial to families with these kinds of problems.

I know that members of the House travelled with all kinds of committees. The finance committee travels every year to hear input from Canadians. Here we have a piece of legislation that changes 68 statutes and will affect 20 different departments, and what are they taking as their guide? They have an Angus Reid poll that is telling them that this is what people want.

Angus Reid predicted that Mike Harris would lose the Ontario election. Angus Reid said the Liberals would win in Ontario, and they lost. This is what they are using as the basis for justification for bringing forward a bill that affects 68 statutes and 20 areas of the government. They do not want to have any public consultation on it.

The minister talked a bit about public consultation at the end of her speech, but she is implementing a bill without any of it. What I suggest is that the government put it on hold. Let us hear what the people have to say. Let us launch a committee. There are 68 statutes being changed. How about some public hearings, public input?

Government Orders

I am reminded too of the comprehensive report we put together on the custody and access committee. There was a lot of agreement around the table by all members of the House. There was a whole screed of recommendations. The justice minister said she would not act on it because she wanted to think about it. Maybe in another three years or so we will do something with it.

That is the voice of the people coming through the committee process being shelved. The bill says that they like the results of a poll, the court told them to do it. Boom, it is done and people are shut out. Bill C-23 is weak because the Liberals have not allowed the people to have input.

I remind members opposite and all other members that every word spoken in the House is recorded and bound in volumes which are kept in the Speaker's office. Everything we say and every vote is recorded. In a sense it is our accountability. In a sense we might say it is a legacy we leave to our families and those who follow that may want to reference what we said and where we stood on issues.

I ask members to consider their positions on Bill C-23. It takes every benefit and every obligation we currently extend to marriage and families and gives them to two people living together for a year, provided they have sex.

The bill needs to be sent back for a redraft. It needs to include a clear definition in law, in legislation, that marriage is the union of a man and a woman to the exclusion of all others. Let us get that in the statute. That is what people have asked for in petitions. That is what the House has voted in support of. It is time to do it. Unfortunately the justice minister has missed an opportunity to do exactly that.

• (1150)

It also needs to be redrafted to include respect for people's private intimacies. To make benefits subject to the private sexual activities of individuals is clearly inappropriate in our opinion. If the government is intent on drafting legislation to allow benefits to flow to relationships between two people of the same gender and to make benefits contingent upon their having some sort of sexual relationship, it is inappropriate.

Is it not more reasonable to focus on demonstrated interdependencies and the social contribution of the relationship when considering benefits rather than on the private physical intimacies of the person being considered? I believe, Mr. Speaker, you would even agree with that.

I encourage all members of the House to send Bill C-23 back for an improved redraft. Let us protect marriage in legislation and let us focus on dependency, not on conjugality. In its current form this is an unworkable piece of legislation.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, it is with great pleasure that I rise to speak to this bill, and I hasten to congratulate the government on finally taking action to respect human rights.

Throughout the debate that is beginning today, many speakers, particularly from this side of the House, from among the Reform Party members, will try to persuade us that this is a bill that undermines the rights of the family, that undermines the institution of marriage, and that it is therefore an unacceptable bill.

I believe that one would have to be of singularly bad faith not to recognize that the bill before us today is a bill relating to human rights. It states that, in future, parliament, the lawmakers, this lofty decision-making centre that is the House of Commons, will not accept any form of discrimination whatsoever toward same sex partners.

That is what we are speaking of here. The purpose of the bill we have before us is to amend 68 pieces of legislation in all sectors of life in Canada and in Quebec, whether the Criminal Code, the Citizenship Act, pension plans, banks, all sectors of society, anywhere there is a "heterosexist" definition of spouse, so that in future, if this bill goes through, there will be a "homosexist" definition.

I respectfully submit that this has nothing to do with the family, nothing to do with marriage. That does not mean that one day down the road we will not have to debate that as parliamentarians. I do not hesitate to state that, in my opinion, parenting ability has nothing to do with sexual orientation. They are two completely different things.

However, that is not what we are dealing with today. I believe it is very important to be extremely clear about this, for the benefit of our fellow citizens. There is, however, one point on which I am forced to agree with our Reform Party colleagues: it was high time for the legal activism that started back in the early 1990s to come to an end, and high time for us to assume our responsibilities as parliamentarians.

In all the judgments pronounced in recent years, be it in the Haig case, the Nesbit-Egan case in 1995, the Rosenberg case or, more recently, the M. v H. case, the various courts of justice, and often the supreme court, have told parliamentarians to fulfil their obligations.

• (1155)

I am very pleased, first of all because there are pioneers in this House who have paved the way. In that regard, I believe we must pay tribute to the hon. member for Burnaby—Douglas. Once the way was paved, a movement started to emerge.

Let us ask ourselves the question. For the second time in less than a decade, parliamentarians will be voting on the recognition

of same sex spouses. The previous time was in 1995. Yours truly, who was still very green as a member of parliament, having been elected in 1993, had asked his parliamentary colleagues to pass a motion asking that the government and the House recognize same sex spouses.

At the time, no more than 55 parliamentarians voted in favour of the motion. All members of the NDP voted in favour, as did 85% of the members of the Bloc. What is significant—and I do not mean this to be a breach of our rules, I mention it strictly for information purposes—is that, except for the Minister of Canadian Heritage, there were no cabinet members in the House when the vote took place.

I mention this for information purposes, to show the incredible progress made, resulting in the Minister of Justice, and she is to be commended for that, coming before the House today with a commitment from cabinet and asking us to support an act recognizing same sex spouses.

The Minister of Justice is able today to table a bill like this one because of a change brought about by people speaking out.

Yesterday morning, I took part in a press conference held in Montreal, in the gay village, by the Coalition pour la reconnaissance des conjoints du même sexe. I said to these people “Same sex partners will be recognized, and parliamentarians will take this profoundly significant step because individuals and groups in society have spoken out and said they were involved in same sex relationships, they were living true love with all of its heights and its depths, with its obligations and its benefits, and demanded to be given full consideration”.

When we come to this debate, when we vote and when we consider this bill in parliamentary committee, I would like all parliamentarians, especially the Reform members, to ask themselves the following question: Can we decently, in all knowledge, argue in this House that two men or two women who love each other feel love differently from a man and woman who love each other?

There is no difference in the feeling of love. There is no difference in the way couples live. A man in love with another man feels the same range of emotions, experiences the same feelings. An individual living in society pays the same taxes, is governed by the same laws and participates in the same civil society. This must be the focus of our concerns.

Non-recognition of same sex partners is a matter of discrimination. It cannot be a matter of religion. We cannot, as parliamentarians, take a religious or moral stand on this issue, which does not mean that we are not people of principle.

As an individual, I have my principles. I have my values. My colleagues have their principles and their values. But when one is

Government Orders

passing a bill, when one is a lawmaker, it cannot be issues of morality that guide us, because, in politics, such issues are the most likely to suffer from the passage of time.

• (1200)

Let us consider what would have happened if those who passed the Divorce Act had allowed themselves to become hung up on moral considerations and had decided not to pass the legislation because the predominant moral stance thirty years ago did not approve of people being able to dissolve their marriage through a legal mechanism.

One principle alone must guide us as lawmakers and that is equality between individuals. This is how the Minister of Justice started off her speech. We cannot agree on constitutional issues and, as members know, we are unhappy about Bill C-20. We cannot reach agreement with respect to the economy. We do not see eye to eye on economic policy, but it is impossible that we, as parliamentarians, cannot agree on what should motivate our actions, what should be at the heart of our concerns, and that is the equality of all individuals.

This principle is so important, so deserving of our attention, that the lawmakers, acting as a constituent body in 1981-82, enshrined it in the legislation.

So that this is clear for those listening, the principle of recognizing same sex spouses flows not just from extremely noble sentiments between individuals, that is reciprocal love, but from the recognition enshrined in section 15 of the Canadian Charter of Rights and Freedoms.

Given its importance, I am going to quote it to you, if I may. What does section 15 say? It reads as follows:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

That is the text that existed in 1982. I would point out as an aside that, at the time of the constitutional conferences as far back as 1982, some people were grouping together. Who was the Minister of Justice at that time? The present Prime Minister and member for Shawinigan.

As far back as 1982, people were lobbying to have sexual orientation included in the illegal grounds for discrimination. This was not done, but I will not go into that any further. In 1995 there was a cause célèbre, probably one of the most important cases in Canadian law: Nesbitt-Egan. This concerned a British Columbia couple—British Columbia being one of the most interesting places to live in Canada—who had been living together for more than 40 years. Not many couples have been together more than 40 years.

This was a homosexual union, a couple who had been living together for more than 40 years. One of them challenged the

Government Orders

constitutionality of one of the sections of the Old Age Security Act dealing with the spouses' allowance, claiming that it was unconstitutional under section 15, which I have just quoted.

The supreme court unanimously—all nine justices—acknowledged that indeed, in future, section 15 of the 1982 Charter of Human Rights had to be read as including sexual orientation among the illegal grounds for discrimination.

That is how the supreme court came to acknowledge that it was no longer possible for the lawmakers to discriminate, on the basis of section 15. This was a very great moment in the annals of legal history.

• (1205)

Today as parliamentarians we must, naturally, with the distance that must accompany our deliberations and in the direction the supreme court has indicated, tell our fellow citizens that we will not tolerate discrimination.

Let us be clear. It is never easy to acknowledge one is different from others. It is never easy to belong to a minority, and it is no easier belonging to a sexual minority. I am 37. I know I look very young. I regularly have to show proof of age at clubs, but nevertheless, I am 37.

When I told my parents at age 18 that I was a homosexual it was not easy for me and it was not easy for my parents either. Let us go back in time. My parents had raised children in the early 1960s. I turned 18 in the early 1980s, and I do not think that my parents in their ideals of raising family and having children in the 1950s, 1960s or 1970s had wanted a homosexual son, because it was a period in which society rejected homosexuals. Homosexuality was considered an illness. People made fun of homosexuals.

That did not prevent my parents from moving on and understanding that homosexual relationships may be extremely gratifying and that we are full citizens.

This is the whole thrust of the debate today. Every member rising in this House to vote against Bill C-23 will send a negative message to Canadians and Quebecers, who will think that when one is gay, one does not deserve full protection in every piece of legislation passed by parliament.

This is the message that these members will send when they vote against this bill. Let us not forget that even in optimum conditions, when one discovers that one is gay, at age 13, 14 or 15, it cannot be easy. It is in our interest as lawmakers to contribute to a better acceptance of each other, to help people accept each other for who they are, to see that people reach their full potential. This is why the legal framework defined by us lawmakers must promote the development of individuals.

Again, this, in my opinion, is the thrust of the debate. As parliamentarians, do we accept the view that people engaged in homosexual relationships with same sex partners must be recognized as full fledged members of society? Make no mistake about it. This is not a financial issue, not a monetary issue. Of course, the benefits to be provided by the act will have a financial impact, since the Canada Pension Plan Act will be amended.

So will the Income Tax Act, to make it possible for a same sex spouse to get a spousal allowance, to receive compensation. This will become possible and it will also be possible to claim a deduction for a dependent spouse.

However, the bill's financial impact is not its main feature. Those who may be tempted to vote against it cannot argue, if they are properly informed, that this bill will have a major impact on the treasury.

Let us never forget that, in a number of cases, same sex spouses who will be granted benefits are already paying for these benefits as taxpayers.

In 1998, at the time of the Rosenberg case, when the Department of Finance was asked to evaluate the financial impact of recognizing same sex spouses, what did it say? First, there is obviously no one right now who can give a precise evaluation of what it would cost Canadian taxpayers to recognize same sex couples.

• (1210)

It is not possible because no one has a clear idea of the number of homosexual couples in Canadian society. It does not exist in the census and it is not something one declares in one's tax return.

On the basis of evaluations done by the Department of Finance on the consumer habits of Canadians, it is estimated that, if between 2% and 6% of Canadians took advantage of the various tax deductions that could apply to same sex couples, the cost would range between \$4 million and \$12 million.

So this is not primarily a financial or monetary issue, because we are talking about an amount between \$4 million and \$12 million, according to the figures filed with the Ontario Court of Appeal in the Rosenberg case.

I also wish to give a bit of background so that people are clear about what we are discussing. The term homosexual itself goes back to 1869. The word originated in Germany, apparently.

More recently, in 1948, a sexologist and sociologist by the name of Kinsey published a report in which he said that something like 10% of the population might have engaged in homosexual relations.

In 1969, the government amended Canada's Criminal Code, decriminalizing homosexual acts between consenting individuals over the age of 21.

Government Orders

These historical landmarks are important to a proper understanding of how this all came about and of how long ago the recognition we are now preparing to give to same sex couples began, how deeply it has been rooted in history, and how long.

Imagine, Canada had its first gay demonstration on Parliament Hill as far back as 1971. In 1973—just to show what a tenacious prejudice this has been—the American Psychology Association removed homosexuality from its list of definitions of abnormal behaviour.

From the early 1950s until the mid-1970s, when the medical profession dealt with homosexuality, it considered it pathological. Today, who could argue that homosexuality is pathological?

As hon. members are aware, I myself am of homosexual orientation, and I do not believe that I have ever presented any sign of dysfunctional behaviour, unless it is to sometimes be a bit long-winded, but I do not think anyone would fault me for that.

In 1977, Quebec amended its legislation, its human rights charter, in order to include sexual orientation among the forbidden grounds of discrimination.

In 1979, the Canadian Human Rights Commission recommended in its annual report that the Canadian Human Rights Act be amended to include sexual orientation. And that is interesting. It must be kept in mind that the Canadian Human Rights Commission played a fundamental role in obtaining more rights for the homosexual community.

This leads me to point out that the Haig case in the early 1990s was really because of the Canadian Human Rights Act, and section 10 of that legislation was struck down because it did not put an end to discrimination on the basis of sexual orientation.

• (1215)

It must be pointed out that, at the time, it was Kim Campbell who was the Minister of Justice. She decided that a decision that could have applied only to Ontario would be binding throughout Canada. We must be grateful to Kim Campbell for being open-minded.

We know of course what happened in 1982. In 1985, section 15 came into force but, unfortunately, it did not include sexual orientation as a prohibited ground of discrimination.

In 1986, Ontario became the second province, after Quebec, to amend its human rights code, which is the equivalent of Quebec's charter of human rights, and to include sexual orientation as a prohibited ground of discrimination.

In 1988, a breath of fresh air came from the church. The United Church of Canada, which represents the largest Protestant community in Canada, voted in favour of ordaining homosexuals.

This is how a society changes. It is truly the joint forces of the judiciary, the church, the political institutions and society that contribute to the shaping of mentalities.

In 1989, a court recognized for the first time that sexual orientation was a prohibited ground of discrimination under the Canadian Charter of Rights and Freedoms.

In 1991, Ontario extended its social benefits, with the exception of surviving spouse benefits, to same sex spouses for the whole provincial public service.

At the same time, the Supreme Court of British Columbia decided that the interpretation of "spouse" as defined in the Medical Service Act, which denied same sex partners the benefits provided, was an infringement of section 15.

One year later, in 1992, a commission of inquiry established under the authority of the Ontario Human Rights Code held that the refusal to give survivor benefits to same sex partners contravened the charter.

This is how the issue of sexual orientation gradually worked its way through the annals of law and into the charter.

In 1995, there was the Nesbit-Egan decision. This is not an insignificant decision, and I would like to cite it. I remind the hon. members that this decision arose from action taken by a British Columbia couple who had lived together for over 40 years. Mr. Speaker, I am sure that you, a model of fidelity, have not yet reached so many years.

The supreme court found that sexual orientation ought to be included in section 15 as prohibited grounds for discrimination. It is because the supreme court included sexual orientation as prohibited grounds for discrimination that—

The Acting Speaker (Mr. McClelland): I am sorry to interrupt the hon. member. The hon. member for Dewdney—Alouette on a point of order.

[*English*]

Mr. Grant McNally: Mr. Speaker, I rise on a point of order. I hate to interrupt my colleague's most excellent speech, but I would ask for unanimous consent to adopt private member's Motion No. 308 at this time.

The Acting Speaker (Mr. McClelland): The hon. member for Dewdney—Alouette has requested the unanimous consent of the House to move a motion. Does the hon. member have unanimous consent to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

Government Orders

[Translation]

Mr. Réal Ménard: Mr. Speaker, I hope my time has not been shortened and that you stopped the clock when our colleague rose. He has put me a bit off track, but I will resume my remarks.

Another very famous decision in the annals of law advanced the cause of the gays.

• (1220)

That was the decision in the case of *Rosenberg v Canada*. On April 23, 1998, the Ontario Court of Appeal ruled unanimously that the definition of "spouse" in the Income Tax Act was unconstitutional as it applied to registered pension plans.

The words "of the opposite sex" in the definition as it existed in the Income Tax Act prevented the Canadian Union of Public Employees from extending the application of its registered pension plans to the surviving spouses of gay or lesbian employees.

The Canadian Union of Public Employees therefore relied on section 15 in challenging the discrimination which had taken place, the result of which was that the Department of National Revenue, which administers the Income Tax Act, refused to recognize same sex employees' registered pension plans, thus denying them the corresponding deduction and the plans legal recognition. Once again, the courts enlightened matters.

More recently, another extremely important decision was handed down in the case of *M. v H.* On May 20, 1999, the Supreme Court of Canada ruled eight to one in favour. This was an extremely strong show of support. The judges were not divided. This was not a decision with a slim majority, but an extremely solid one, almost unanimous, one of only a few supreme court decisions, with eight justices out of nine ruling that the definition of "spouse" in the Ontario Family Law Act contravened section 15 of the Canadian Charter of Human Rights.

What was involved here? Two lesbians had been living as a couple for several years, since the early 1980s. They broke up. It should be pointed out that, during their life together, wealth had been accumulated, and one of the two had acquired a business for which the other worked. Therefore, support payments were demanded at the time they broke up. Obviously, the Ontario legislation known as the Family Law Act, at section 29 if I remember correctly, did not recognize same sex partners, and so, despite having lived with a same sex partner for some years and having contributed to the wealth of the couple, the woman had no recourse.

It is interesting that this went all the way to the supreme court. Why am I taking the time to refer to the decision in *M. v H.*? Because, for the first time, the supreme court acknowledged that

homosexual relationships should be considered as spousal relationships. And it was recognized that, ultimately, it would be possible for support payments to be obtained in the case of same sex couples.

However, the supreme court showed some reservations, as the provincial court had earlier in the *Nesbit-Egan* case, and refused to invalidate the act completely, or to require the Government of Ontario to amend all of its legislation. It made a declaratory judgment limited to section 29 for a 90-day period. Hon. members will see that the court was exhibiting wisdom.

M. v H. is an important decision because it makes it clear to the homosexual community that justice is aptly represented by a scale with two sides, since it involves both obligations and benefits.

• (1225)

We must know as parliamentarians, and the homosexual community must know, that if this bill is passed, it will also lead to obligations. When a couple's total income is taken into account, there may be advantages and disadvantages arising from considering the total income, for example.

M. v H. is a case involving support. When an individual enters a homosexual relationship, consideration must be given to what may arise should the relationship break up after a period of time. There are a number of responsibilities.

I would like to return to the heart of the debate. Once again, I believe that we would be mistaken as parliamentarians if we failed to recognize that the issue here is to put an end to discrimination once and for all. We know that the ten major cities, including Halifax, Vancouver, Montreal, Toronto and Moncton, have recognized same sex partners at the municipal level.

Many private firms recognize same sex partners. The situation would be paradoxical to say the least if same sex partners were recognized by lower level authorities, at the municipal level for example, but not by us here, in the federal government, in the Parliament of Canada.

More recently, last year, the National Assembly, with the government of Lucien Bouchard, one of the best governments to have occupied the government benches, gave full recognition to same sex partners. It amended 28 laws of Quebec, including the act respecting income security and the automobile insurance act. Major pieces of legislation were amended in order to recognize same sex partners.

Obviously the process is not complete, since the civil code remains to be changed. I cannot wait for that, and I am eager to get Mr. Bouchard's government moving on to the next step, that of amending the Civil Code of Quebec. As hon. members are aware,

Government Orders

we have two separate legal systems: one based on common law, which governs English Canada; one governing Quebec, the civil code. This code is a law, but it does not recognize heterosexual partners, and so obviously it does not recognize homosexual partners.

I am anxious to convince the Quebec government to jump on the band wagon and amend the civil code. Again, this is not about family or marriage. Earlier, I listened to what the Reform Party members were saying, and I think some serious soul-searching is in order, because one cannot promote law and order as they do and not want to respect the charter. That is not possible.

Yesterday at a press conference the Canadian Coalition for the Recognition of Same Sex Spouses stressed how untimely and inappropriate it would be for parliamentarians to vote against this bill. By voting against this bill, parliamentarians will in fact be indicating that they think they are above the Canadian charter. This means they do not recognize a value that is fundamental, regardless of where one lives in Canada, of one's profession, of one's age and of one's judicial record. There is a principle that must be adhered to, and that is equality for all.

• (1230)

It can never be overstated that this bill enshrines the recognition of full, total and uncompromising equality for all. I cannot imagine the Reformers, who will very soon opt for the united alternative, sending the gay people in Alberta, Saskatchewan and British Columbia the message that, as parliamentarians, they do not recognize them as full-fledged citizens.

I believe there will be an extremely heavy price to pay in terms of the implications. I believe that voters will be very critical of members who rise in this House and do not recognize that the principle of equality between individuals applies to all citizens and that this equality should be the focus of our concerns.

The Bloc Quebecois will do everything it can to have this bill passed quickly, because recognition of same sex spouses has been too long in coming. We will examine the issue seriously in committee. We will hear from witnesses.

All those who believe in equality must do something that is extremely important in democracy and that is to speak up. We must rise up and engage in dialogue at every opportunity. We must go to see the Reform Party members and all parliamentarians who are not convinced that the bill has merit. We must engage in dialogue in order to convince them that this has nothing to do with marriage and the family, but that it is a matter of equality.

In the coming days, that is what I will be doing. That is what all parliamentarians should be doing. I am convinced that together we can change things, shape thinking and work for greater equality for all our fellow citizens.

[*English*]

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Madam Speaker, it is with a sense of pride that I rise in my place today to congratulate the government in introducing this legislation.

The road to full equality for gay and lesbian people has been long, frequently difficult and turbulent. We are not there yet, but this bill advances significantly the gay and lesbian community on the road to full equality.

In achieving this important milestone I want to acknowledge the contribution of many Canadians.

[*Translation*]

I congratulate the member for Hochelaga—Maisonneuve, who has just spoken. He is an excellent MP, who has long fought for recognition for same sex spouses and who has introduced a number of bills to that effect.

[*English*]

I acknowledge the contribution of a deputy who is not here today, Shaughnessy Cohen, who tragically died in the House just after signing a letter to the Minister of Justice urging that the government move ahead to recognize the relationships of gay and lesbian people.

I acknowledge the work done by the labour movement, unions such as the CAW, CUPE, the Public Service Alliance, la CSN au Quebec, CUPW, the Canadian Labour Congress, and in particular my friend Nancy Rich.

There are those who have lived their lives openly and proudly, often defying the ostracism of people in their communities who rejected their relationships. They are the unsung heroes and those who we honour as our leaders. They include people like Jane Rule and her partner Helen Sonthoff, who just died, and Jim Egan and his partner Jack Nesbitt, who took to the Supreme Court of Canada the issue of the recognition of gay and lesbian relationships, who have celebrated their lives together for over 40 years, and who won a landmark victory in affirming the inclusion of sexual orientation in our charter of rights.

Others who have taken their fight to the courts include Nancy Rosenberg and her partner; Margaret Evans and her partner; Stanley Moore and his partner, Pierre Soucy; Dale Akerstrom and his partner, Alexander; Chris Vogel in Manitoba; Jim Bigney in Nova Scotia; and Delwin Vriend.

• (1235)

I could go on and on with the stories of heroes and those who have fought this courageous fight for full equality.

Government Orders

I want to acknowledge as well a former colleague from the House. I first raised this issue over 20 years ago when I was first elected as a young member of the House. One of my earliest allies was a Conservative member of parliament, Pat Carney. I want to acknowledge her work.

There are some who ask why the government is doing this. The government is doing this because we as parliamentarians and provincial legislators gave the courts the duty and the responsibility of interpreting the charter of rights. They did not seize that; we gave them that responsibility. Indeed, the highest court in the land, the Supreme Court of Canada, has ruled that section 15 of our charter prohibits discrimination based on sexual orientation and, as well, that that discrimination includes discrimination in the relationships of gay and lesbian people.

EGALE, the national lobby group, the Campaign for Equal Families and other groups have advanced this cause before the courts, and legislatures in a number of provinces and jurisdictions have moved forward.

[*Translation*]

The Government of Quebec recently introduced an omnibus bill, and I wish to congratulate MNA André Boulerice in particular on his tireless efforts in this regard.

[*English*]

The Government of British Columbia has been one of the leaders in advancing the cause of equality, in particular attorney general Ujjal Dosanjh.

In Ontario former attorney general Marion Boyd brought forward Bill 167.

The legislation is a recognition by the government that it must move forward. It could fight every case in the courts, case by case, or it could do the right thing, the honourable thing, the just thing and say that yes, it recognizes that the courts have ruled. The courts have ruled that where benefits are extended to heterosexual common law couples, those benefits must as well be extended to those involved in committed, loving, same sex relationships.

As Justice Iacobucci noted in the case of *Delwin Vriend v the Supreme Court of Canada*:

In my opinion, groups that have historically been the target of discrimination cannot be expected to wait patiently for the protection of their human dignity and equal rights while governments move toward reform one step at a time. If the infringement of the rights and freedoms of these groups is permitted to persist while governments fail to pursue equality diligently, then the guarantees of the Charter will be reduced to little more than empty words.

That is what we are achieving today. It is a recognition that the guarantees of the charter must be made reality by changes in law, changes that involve both rights and responsibilities.

I am very proud to stand here today on behalf of my New Democrat colleagues to say that this caucus has supported from the very beginning, certainly over the full 20 years that I have had the privilege of serving here, full equality for gay and lesbian people.

The leader of my party, the member for Halifax, has been in the forefront of this struggle, both as a provincial member in Nova Scotia and now as leader of the party, and each and every one of my colleagues has worked for full equality for gay and lesbian people.

I stand here today not just as the member of parliament for Burnaby—Douglas, not just as a gay man, but also on behalf of my colleagues to say that we recognize and salute the government for this important contribution toward full equality.

• (1240)

I want to say a couple words about what this bill is not about. This bill is not about special rights for anyone. It is about fairness and equal rights. It is a recognition that gay and lesbian people pay into benefit plans and, up until very recently, have been denied the benefits that should flow. Indeed, outside the House stands a man with a sign saying “No special rights for homosexuals—Repeal Bill C-23”. Again, I emphasize, this is not about special rights.

This is also not about money. If anything, Reformers should be supporting the bill because it will help to reduce the federal deficit and debt. According to a study that was tabled in the Rosenberg case, an affidavit that was signed by a senior tax policy officer in the Department of Finance said:

—extending spousal tax treatment to same-sex couples would result in an overall cost savings to the federal government of about \$10 million per year.

Those are the facts from the Department of Finance. It does not cost money to extend equality because in this particular legislation we are recognizing both rights and responsibilities.

In *M. v H.* it was recognized that one lesbian partner had financial responsibilities to her former partner which flowed from that relationship. It is clear that, to the extent those responsibilities are recognized, that will reduce the financial burden on the state as well. I would have thought that would have been something the Reform Party would have welcomed and supported.

This is not about special rights. It is not about extra money. Most offensively, in the Reform Party’s characterization the member for Calgary Centre said “This is benefits for sex”. Let me say how demeaning, how dishonest and how offensive that characterization of the bill really is for the Reform Party to say it is benefits for sex.

Let us look at this for a minute. The member for Calgary Centre said “How do we prove they are actually partners? How do we

Government Orders

prove they have actually been involved in a sexual relationship? What if they are trying to scam the system?" I remind the House that for some years now common law heterosexual relationships have been recognized. I have not heard the Reformers say "No, no, do not recognize those relationships because we cannot prove that the man and woman are involved in a sexual relationship. We cannot prove that they are really committed to one another". No, they have been silent about common law heterosexual relationships because they know that many Canadians are involved in those relationships and they are not challenging those relationships.

The Reformers do not have the intellectual integrity to recognize the complete bankruptcy of their argument when they say "How do we prove this?"

Then the member for Calgary Centre said "All you have to do is shack up with somebody for a year, have sex with that person and you will be recognized". That is a totally false argument because the Supreme Court of Canada and the Ontario Court of Appeal have both talked about what a conjugal relationship means. Does it just mean living with somebody and having sex occasionally? No, it does not. Some conjugal relationships involve no sexual relationship at all. They are very clear about that. Some heterosexual couples are actually in loving, committed relationships and they do not have sexual relations. I know the member for Calgary Centre might find that an incredible revelation. That is amazing, is it not? Yet, those are conjugal relationships according to the courts.

The suggestion that benefits for sex is what this is all about trivializes and diminishes the quality of gay and lesbian relationships. My relationship with my partner, Max, is not just about living together and having sexual relations. Of course that is important, but it is much deeper and much more profound than that, and that is what makes, ultimately, a conjugal relationship. We share our lives, the good times and the bad, in sickness and in health. We share the ownership of our home. We have a joint bank account. We are beneficiaries in one another's wills.

● (1245)

There is a deep emotional commitment in that relationship which is trivialized and demeaned and denied by the kind of suggestions by the member for Calgary Centre. We are saying that these relationships should be recognized and affirmed and celebrated in this country and not denied any longer.

I would note as well that each and every one of those members of parliament who is now speaking out against this bill is saying that they should oppose this bill because it does not go far enough, it does not recognize other dependent relationships like two sisters living together or two elderly gentlemen sharing a home. Without exception each and every one of those members has spoken against basic equality for gay and lesbian people. That is their agenda. They do not believe in it.

Every member of the Reform Party in the House today who was in this House during the vote on the Canadian Human Rights Act amendments, Bill C-33, voted against that bill. They do not believe in equality and let no one be fooled into suggesting otherwise. That is their agenda.

Of course it is true that there is still not full equality. There is still much to be done. This bill does not deal with the immigration law for example. There are Canadians who fall in love with other Canadians and there are some who fall in love with citizens of other countries. I appeal to the Minister of Citizenship and Immigration to move forward quickly to recognize the relationships of gay and lesbian people in the new immigration act which will be tabled shortly. We must look seriously at the provisions of the criminal code with respect to hate literature as well.

And yes, dare I say it, we must also recognize that couples who wish to involve themselves in committed loving relationships and have those affirmed by the state in marriage. That too is part of equality.

There are members on all sides of the House who say that no, marriage cannot be extended to gay and lesbian people as this would be the death of marriage, the downfall of the moral fabric of society. Is marriage really that fragile? How on earth would it threaten the marriage of the member for Calgary Centre or the marriage of the member from Ontario to recognize and affirm the relationships of gay and lesbian people who choose to marry? That will come as part of full equality. In the Netherlands the government has recently tabled a bill to extend those rights as well.

I want to close by reading from a letter from a woman who speaks far more eloquently than I, with far more power and passion about what it has meant in her life to have her relationship denied full equality and why this bill is so important. I am proud to say that her name is Donna Wilson. She wrote a letter in 1996 to the Prime Minister saying this:

Dear Prime Minister:

On October 30, 1995 my life partner of more than 13 years died. She was diagnosed with ovarian cancer less than seven months prior to her death. Before that she was an active, healthy 48 year old woman.

We shared everything as life partners. We were emotionally and financially interdependent. Every aspect of our lives was connected, inter-related. We celebrated our lives together and were embraced by family, friends and many diverse communities.

We shared in the parenting of two children. I continue to care for them and support them as a co-parent myself and also on behalf of their mother who has died.

Our relationship was rendered invisible time and time again by the laws in our country. We lived without the supports and benefits available to the vast majority of Canadians. There were no tax credits or benefits available to assist us as a couple or a family. There was no recognition of the value of our relationship, our family and our contributions to Canadian society.

Government Orders

Even now I'm not considered a widow or survivor and I'm not eligible to receive my partner's pension. I know the same devastating grief as every other widow and I share the same financial fears and insecurities as many who survive the death of a spouse or life partner.

After my partner died I contacted the office of the Canadian pension plan. With great pain I explained my circumstance. The woman at the other end of the phone expressed no condolences, no compassion. Instead, she stated that I wasn't eligible to receive pension benefits since "there was no surviving spouse". When I restated that I was the surviving spouse she asked for my name and "the name of the deceased". Two women's names confirmed it. "There was no surviving spouse".

Our 13 plus years together in a committed relationship meant nothing. My partner's wishes meant nothing. My needs as a survivor meant nothing.

Throughout her life my partner was committed to employment that contributed to the lives of others. She paid into the Canadian pension plan. She wanted her pension contributions to be available for me, to assist me with recovering from care giving and to heal from grieving. She wanted to provide for my well-being as we had done for one another and our children throughout our relationship. She didn't want me to have to worry about moving right away and all the other things that many survivors/widows need to consider.

Prior to my partner's death we discovered that her RRSP could not be rolled over into mine even though we were life partners and I was the designated beneficiary. My partner was very distraught to learn that upon her death our retirement savings would be deregistered and taxed at a high rate. She was angry that our retirement savings could not remain as such whereas a heterosexual couple, even a common law couple after only one year, would be able to roll over RRSPs from one spouse to the other.

My partner's outrage, sadness and concern motivated her to file a human rights complaint. . . .

I am currently preparing my partner's income tax return.

• (1250)

She points out that she will be responsible for paying taxes on almost half of her RRSP. It is a painful process in the midst of grieving. She said:

We hear so much these days about the need to take personal responsibility for ourselves in preparing for retirement. My partner and I were doing just that. Instead of being assisted by the government to prepare for later years it has now been made more difficult.

Under the law all Canadians pay taxes. We contribute to pension plans. We contribute to the welfare of others. Under the law lesbian and gay Canadians are denied the benefits and assistance associated with these contributions. And, under the law, our taxes and pension contributions assist and subsidize the privileged majority.

Madam Speaker, I wonder if I might seek the consent of the House for one more minute just to finish reading this letter.

The Acting Speaker (Ms. Thibeault): There are about 10 seconds left in the hon. member's time. Is there consent to extend it by one minute?

Some hon. members: Agreed.

Mr. Svend J. Robinson: Madam Speaker, I thank my colleagues. In conclusion, Donna Wilson asked:

When is the government going to recognize that lesbians and gay men have a right to the same benefits and assistance available to all other tax paying citizens? When is the government going to be honest with all Canadians and let them know that the rights of lesbians and gay men have already been recognized in the courts? When is the government going to put a stop to fear tactics and lies about financial resources being depleted if benefits and tax credits are extended to lesbians and gay men?

This isn't a matter of "special" rights or privileges. It's about recognizing the fullness of diversity within our communities and facing the fact that Canadian laws need to change in order to reflect current realities and the equality of all citizens. It's about putting an end to homophobia and heterosexism. It is about action, not lip service.

It's time for the government to act and to end all forms of discrimination against lesbian and gay Canadians.

Donna speaks with eloquence and passion for gay and lesbian people across this land. They join with me today in commending the government and urging that the bill be adopted at the earliest possible time so that we can finally achieve much fuller equality for gay and lesbian people.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I enjoyed the member's speech very much. He made a number of very good points.

There is one thing I would like to learn more about from the hon. member. I know he has researched this subject in great detail. What is the status of a brother and a sister who share a home and a relationship and who may want to extend benefits one to the other when one passes away? Under the current law would they be able to undertake something like that?

• (1255)

Mr. Svend J. Robinson: Madam Speaker, I thank the hon. member for the question. This whole issue of looking at other relationships of dependency, economic dependency and emotional dependency, is one that I certainly have no objection to parliament examining carefully. Indeed, an argument can be made that there are relationships which should have benefits extended to them. I am pleased that the Minister of Justice has recognized this and I understand she is referring this issue to a committee for further study.

The case of a brother and sister who have lived together for many years and who are involved in a situation of economic dependence is something we can examine. In fact many of us are asking why benefits necessarily have to be extended on the basis of a relationship to another person at all. Many of us want to know whether we should look at another means of achieving the extension of benefits, whether they be health, dental or other benefits.

It is important to acknowledge what this bill does. It responds to the Supreme Court of Canada particularly in the *M. v H.* decision and the earlier decision in *Miron v Trudel*. It recognizes that where

Government Orders

benefits are extended and where there are obligations for common law heterosexual partners, that justice and equality means that those same benefits should be extended to same sex partners. That is what this bill is addressing. The other issues in terms of other relationships will be addressed by committee and I look forward to that discussion.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I think the hon. member made reference in his speech that the requirement for a conjugal relationship in Bill C-23 in order to qualify for benefits was inclusive of people who did not have a sexual relationship. His definition of conjugality, which he quoted from some particular document, would not require that there be a sexual relationship.

Is it his understanding of Bill C-23 that there does not need to be a sexual relationship in order for two people to qualify for benefits? That certainly is not spelled out anywhere in the bill. I suggest that conjugality does require a sexual relationship.

Mr. Svend J. Robinson: Madam Speaker, first of all let us look at this question logically.

There are heterosexual common law partners who have lived together for many years in a deeply committed loving relationship. Is the hon. member for Calgary Centre and the Reform Party seriously suggesting that if for whatever reason that couple does not still have a sexual relationship that somehow that relationship is not a genuine common law relationship? That is absolutely ludicrous.

In fact the Supreme Court of Canada and the Ontario Court of Appeal have talked about what is involved in a conjugal relationship and what are the generally acceptable characteristics of a conjugal relationship. This is from Justice Cory in *M. v H.* They include shared shelter, sexual and personal behaviour, services, social activities, economic support and children, as well as the societal perception of the couple. However, these elements may be present in varying degrees and not all are necessary for the relationship to be found to be conjugal.

The court said:

Certainly an opposite sex couple may, after many years together, be considered to be in a conjugal relationship although they have neither children nor sexual relations. Obviously the weight to be accorded the various elements or factors to be considered in determining whether an opposite sex couple is in a conjugal relationship will vary widely and almost infinitely. The same must hold true of same sex couples. Courts have wisely determined that the approach to determining whether a relationship is conjugal must be flexible. . . . There is nothing to suggest that same sex couples do not meet the legal definition of conjugal.

That is what the courts have ruled. Frankly it is disingenuous of the member for Calgary Centre to suddenly raise these concerns about how we can establish the legitimacy of conjugal relationships and common law relationships when Reform did not ask one

question when it was just about common law heterosexual relationships.

• (1300)

They were not asking at that point how to prove they had a sexual relationship or how to prove they were really living together in an intimate relationship. They did not care about that then. They certainly did not raise questions then about other dependent relationships when they extended this to common law relationships.

What Reformers really care about is that we are actually recognizing that the relationships of gay and lesbian people should be treated with equality, dignity and respect. That is what Reformers do not believe in because not one of them voted for equality even in the Canadian Human Rights Act.

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, the member for Burnaby—Douglas spoke quite personally about a lot of issues. What needs to be brought out a little further is the actual physical danger that gays and homosexuals may face in our country.

In fact, the defence of provocation allows a man to murder another man on the basis of a sexual advance just because it is a man. I would like him to elaborate on that.

Mr. Svend J. Robinson: Madam Speaker, I thank my colleague from Yukon for the question and for her leadership on the issue of the question of the defence of provocation.

It is true that in some areas of the law there still exists a so-called gay panic defence. Unbelievably some courts have recognized the gay panic defence, which suggests that if a man is so traumatized by having a sexual advance made on him by another man that he takes that other person's life it is defensible. The member for Yukon is quite correct that significant challenges remain with respect to a defence of this nature.

With respect to the ongoing issue of violence and gay-bashing in our community, there are people who are beaten up simply because of their sexual orientation or perceived sexual orientation. There are huge concerns about gay, lesbian, bisexual and transgendered youth who still have levels of suicide, attempted suicide and alienation that are devastatingly high.

These are some of the other issues that we clearly must address. This bill is not in a position to address them, but when we speak of full equality we must recognize there is still a lot of work to be done in many of these areas and the whole area of affirmation of our relationships, the diversity of our communities and the education system.

Government Orders

Let us imagine children who are raised in an environment with a parent who has the kind of narrow intolerant views of some of the members on my right, those from the Reform Party. What kind of attitude or signal will that send to them about respect for gay and lesbian people in our communities?

There is still tremendous work to be done on the road to full equality.

Mr. Richard M. Harris (Prince George—Bulkley Valley, Ref.): Madam Speaker, the member for Burnaby—Douglas did not answer the question posed to him by the member for Calgary Centre who specifically asked whether this member could embrace the fact that the term conjugal relationship meant two people having a sexual relationship as defined in almost every dictionary that has been printed.

In the question of the member for Calgary Centre the member was asked if he believes that conjugal does not mean necessarily having a sexual relationship. Then why does the minister have such a narrow focus in this bill? Why not open it up so that it includes everyone in a dependent type of relationship whether or not they are having a sexual relationship? Why is this member not arguing with the minister that this is a discriminatory bill in many respects? The member for Burnaby—Douglas is not doing that.

Mr. Svend J. Robinson: Madam Speaker, the hon. member just does not get it. I do not know if the hon. member has brothers or sisters, but if he is suggesting that his relationship with his brother or his sister is qualitatively the same as his relationship with his wife, that is a ludicrous suggestion.

We can look at other relationships of dependency, but the fact of the matter is that they are qualitatively different from the relationship that gay or lesbian people have with their partners.

• (1305)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am very pleased to speak to this piece of very important and timely legislation, one that has obviously raised emotions on all sides of this debate. I congratulate the previous speaker and in fact all speakers who have represented their parties and their country well in this debate.

It is unfortunate in terms of the debate and the time that the legislation was introduced that we are once again put in the position as opposition to rush to judgment on the legislation, to hurry along in our remarks, and to somehow push this issue to one side.

From the tone, the emotion and the very important considerations that are brought forward by the bill and the very important debates that will no doubt take place in our communities, this is not

a healthy approach. This is not the way that we should be dealing with issues of such depth.

The bill was tabled in the House on Friday, February 11. We have had the ensuing weekend, and here we are on Tuesday, forced in essence to dissect and discuss in detail hundreds of detailed pages which affect 68 federal statutes that will be amended. There are also the provincial implications and voluminous case law very much encompassed by the legislation.

I for one, as a member of the Progressive Conservative Party, do take great exception to and in fact resent the way in which the government has gone about tabling this issue. I also question the timeliness in terms of its proximity to what is perhaps one of the biggest scandals in the country's history.

There is an obvious attempt to deflect attention away from that, to somehow create an illusion that another issue will come on the agenda and perhaps bury the issue of the mismanagement that has taken place in Human Resources Development Canada, mismanagement that is perhaps systemic in many government departments.

This omnibus legislation will extend benefits and obligations to same sex couples on the same basis as opposite sex couples under the current laws of the land. The bill is entitled the modernization of benefits and obligations. There is an important inclusion of the word obligations in this act.

It is something we cannot gloss over. We cannot forget that with the entitlement aspects of the bill there are also obligations that will flow. In some instances, when we are talking about the tax implications, there are what could be viewed as or deemed negative consequences for homosexual individuals who will now be in a position where they will be paying a greater tax. They will in fact be disintitiled by virtue of being deemed as in what is tantamount to a common law situation. That element is there.

The modernization as well is an encapsulation, a title which does represent something that is happening, a social change. It is an acknowledgement in the legislation that there has been a step toward recognizing the social reality that we have same sex couples living in common law situations or what is equivalent to a common law situation, as we speak. Regardless of what the legislation says or seeks to do, this is a social reality that the bill very much attempts to recognize.

The government's reasoning behind the legislation is very much a result of a decision by the Supreme Court of Canada in May 1999. I am speaking about the *M. v. H.* case, which made it very clear that governments cannot limit benefits or obligations by discriminating against same sex common law relationships. The legislation is very much an attempt to reflect and codify what the supreme court already said in May of this year.

Government Orders

It goes without saying that previous cases have also moved in this direction in supreme courts across the country. In various provinces there has been a recognition of the obligations and a codification of the fact that there are rights and obligations that stem from a relationship between same sex couples.

It is also very important to point out, and it bears repeating, that the principles of equality enshrined in the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act are very much a part of this debate, very much a part of the consideration by all courts, most important the Supreme Court of Canada, and I suspect very much at the foundation of what is behind the legislation, an attempt to legislate and put in place the protections that exist in the Canadian Charter of Rights and Freedoms.

● (1310)

The government is no stranger to borrowing from the supreme court. We have seen what it has tried to do with the clarity bill. The court has already made a pronouncement in its decision about the status of the situation in Quebec. It refers specifically to the percentage of a majority and the question itself. The government has tried to encapsulate that through Cartesian thinking in legislation that again has been foisted upon parliament and the country at a time when we should be discussing other issues.

That is not to diminish in any way the importance of this type of legislation. If this were a priority, if we take the government at its word and this were truly a priority, why did it not introduce the legislation much sooner in its mandate? Why did it not introduce it back in the fall session when we resumed after the lengthy summer recess the government orchestrated with the late recall? What legislation were we faced with when we returned? It was not legislation that I would suggest reflected the importance of the particular bill. Here we are being forced to deal very quickly with very important legislation in a matter of days.

The bill, as indicated, will affect a great number of statutes, some 68 in total, legislation such as the Criminal Code of Canada and the Income Tax Act. It will have many financial implications for all. The government sat on the legislation for many months and dropped it in our laps at a time when it needed an issue that would deflect attention away from it.

The legislation needs a great deal of examination. It needs a great deal of study which will occur at the justice committee. Unfortunately the justice committee is backlogged at this point with legislation such as the new youth criminal justice act. We have a mandate from this place to deal with organized crime. We have a mandate to deal with changes to the Corrections and Conditional Release Act. However, this legislation is coming and will go to that committee. There will be an opportunity to dissect the legislation

in greater detail, which obviously will not occur on the floor of the House.

This is what I would describe as a very technical bill. I know there is a tendency to delve into the moral issues and moral implications that arise from this discussion, but the bill is written in a very calculating way—and I do not say that in a negative way—to reflect a reality on which the courts have pronounced, toward which society has moved, and toward which the provinces are heading.

I give the government credit in the sense that for a change it is trying to be out in front of what the courts are pronouncing. For a change we are seeing an actual proactive attempt to reflect Canadian reality in this place as legislators rather than wait for judge made law to be imposed upon us or foisted upon elected individuals.

The provinces that have already moved in this direction include British Columbia, Quebec and Ontario. They have very much attempted to implement their own legislation, with which this legislation is consistent.

I strongly suggest there have been indications in the private sector that this is reflective of a reality that has occurred. Many companies in the private sector have extended the type of benefits the legislation would also extend. In fact many institutions in the country including churches have accepted and looked at some of the realities the bill will put in place.

Public policy, therefore, is not a sideline issue. It is not the sole purpose or the actual intent of the legislation. The subject of the bill or the reading of it is not about families. It is not about families per se and definitions. It does not speak of the definition of marriage. It does not use the term spouse. It is about fairness and financial equality. It is not about infringing on an individual's moral or personal beliefs.

● (1315)

If there is anything we can learn from this debate that we are undertaking today, it is that we should be very careful in our choice of words. I am very fearful of the rhetoric and the ratcheting up of the rhetoric that can occur because of the emotion and the strong moral beliefs that are felt and held on both sides. If anything, we have to be respectful of both sides of this debate. This is an issue that has been with us for time immemorial. This is not an issue that will be settled by this debate or by the passing of one piece of legislation.

Conjugal relations certainly denote an element of intimacy. However, this legislation is not, I would suggest, about governments making judgments or being intrusive into the bedrooms of the nation. This is about reflecting responsibilities and obligations upon individuals who have entered into a relationship upon which

Government Orders

there is a degree of dependency. The bill is about the fiscal responsibility of the state in recognizing this human dynamic, this relationship that exists between both same sex and opposite sex partners.

There has already been, as some would call it, a disintegration of the institution of marriage in the sense that the law now recognizes common law. The legislation, in my view, takes it one step further. It expands the definition of common law to include same sex partners, that is all. It recognizes a reality that is very much in place in this country. There are same sex couples living together in a relationship that is akin to the relationship that occurs between opposite sex couples. This is a legal codification or recognition of the rights and obligations that flow from that human dynamic.

The bounds of matrimonial relations obviously have legal implications in and of themselves. This is not an infringement on those legal obligations. This is more about property, money and pensions. This is about the ability of the state to support individuals who may be in need or entitled to a pension plan for which they have contributed.

The legislation also requires that the same obligations, in terms of the contribution and the eligibility, be met, whether it be by a same sex or opposite sex couple.

There is an element of logic that has to prevail here. I know it is very difficult at times to move the debate from the moral and personal element of this. However, there is a very sterile and reasoned approach that we have to take when examining the issue of legal responsibility and the responsibility of the state to care for people.

The bill does not undermine the morality and the traditional beliefs that individuals have in their definition of family. Let us be very honest and blunt about this; what has been viewed for many centuries as the traditional family is now different for many people. It is different in their views. The family support system has become very different. I need not go further than to mention the example of a single parent, whether they be male or female. That should in no way diminish the degree of dependence and unconditional love that might flow between a parent and a child just because he or she happens to be a single parent.

Economic issues can never be completely devoid of moral implications, but let us not confuse the two. Let us not make a mistake in our characterization of the legislation. This is about extending financial benefits to those who may be in need.

The legislation has only been in our hands for two working days. I again question the priorities and the timing of the government. The Conservative Party members are looking forward to the opportunity to delve into the legislation at the committee level, to

hear from witnesses and to see what the broad reaching implications may in fact be.

My initial reading of the legislation is as I indicated at the outset. It is an attempt to codify and put in place a reality that exists, a legal trend through precedent and through case law that has emerged from our courts. I would suggest that this legislation still maintains a clear and distinct designation between married and unmarried relationships. It does not tread on that sacred ground.

● (1320)

The term "spouse" refers and will refer, irrespective of this legislation, to married couples. That term has not been touched, altered or removed from mainstream thought as a result of the bill.

The term "common law partner" does change. It would now be expanded to include both same sex and opposite sex couples. This is different. This is perhaps the major differentiation between the bill and the Ontario legislation in the sense that Ontario designates same sex and opposite sex partners in its legislation. It makes that clear line of distinction.

There will be ample opportunity for all members of the committee and, by virtue of their membership, members of their parties and Canadians whom they represent to make amendments and suggestions as to how the bill might be improved. Some of the improvements may be to remove certain clauses of the bill.

However, it does speak again to both benefits and obligations and the responsibilities that flow therefrom. Same sex couples will have access, by virtue of this type of legislation, to the same level of support, the same pension and the same financial benefits that other Canadian couples of the opposite sex currently have based on social benefits. The important underlying element is, if they are eligible and if they have made sufficient contributions, they will still have to meet that criteria.

The legislation is consistent with what the provinces have been looking at. I believe that many provinces will wait to see how this place and the other place deals with the bill. They are hinging their future plans to encompass this type of legislation in the provinces on what we do.

Let us make no mistake. The federal legislation will have an impact on much of what the provinces do already. It will have an impact on things such as adoption and family maintenance. This is why I think it is important for us to realize that the bill does have very far-reaching ramifications that we should not take lightly. We should not be diverted from looking at the bill in detail as to what it actually does and does not do.

I know there has been a great deal of discussion by some. I would suggest, with the greatest of respect, that there is some

Government Orders

veiled attempt to perhaps hide what may be a negative view of the legislation by suggesting that the bill is not broad enough, that it somehow does not include a parental relationship, such as a mother and daughter, a father and son, two sisters or two aunts who may live together. There is obviously a mechanism to deal with that situation and that is again in the committee.

I am led to believe that there will be ample opportunity to look at the possibility of expanding the legislation if that is what some members and some witnesses choose to do. Let us not hide behind the rhetoric. Let us not somehow put forward the position that we wish to make it broader when truly the attempt and the intent is to make it narrower and to undermine and take the bill off the agenda.

I realize that what we are looking at is a bill that has the financial element to it: tax breaks on retirement savings plans, greater access to employment insurance, collector survivor benefits under the Canada pension plan upon the death of a partner, old age security. This is the element of the bill on which we should be focusing.

Homosexual couples who have lived together for at least one year would qualify for those types of benefits, with the same time, the same qualifications and the same elements of accountability that are currently applied to common law couples. The cost is something that has been touched upon. Sources in government indicate that there will be an initial cost associated with this. However, this will be offset by the responsibilities and obligations that are created and the offsetting disentanglement that will be created by this designation of same sex couples.

• (1325)

We in the Conservative Party will reserve our final judgment. We will reserve our position until we have an opportunity to look at this bill in greater detail at committee. I believe this is very forward looking legislation but it is legislation that can be improved. We must go forward with a view to improving this in a reasoned, moderate and tolerant approach.

Mr. John McKay (Scarborough East, Lib.): Madam Speaker, I was very intrigued by the hon. member's speech. I believe it could have been delivered by the justice minister who, I am sure, found himself in something of a strange anomaly in the presentation of his speech.

Does the member regret that this occasion has not been used by the government to articulate the definition of marriage in legislation? As the hon. member well knows, the definition of marriage has been recognized for about 150 years in common law as being between a man and a woman. However, as the member also knows, common law is subject to judicial interpretation and can be changed. One day after the passage of this legislation some justice could change the definition of marriage to something else.

Does the hon. member see that as a difficulty and as something that could have been addressed in this legislation?

Mr. Peter MacKay: Madam Speaker, I appreciate the question from the hon. member opposite. I have a great deal of respect for the work that he does both on the justice committee and here in the House. I know he has also examined this bill in great detail.

The definitions in this particular legislation, for whatever reason, steer clear of defining a marriage. They steer clear of the words that would invoke the emotion and the judgment of members and Canadians generally when it comes to defining what marriage really means. There are obviously religious and spiritual connotations. As the member has pointed out, there is a long history that transcends boundaries and cultures when it comes to marriage.

I think this legislation attempts to remove some of the emotional elements and focuses in on other very fundamental elements such as equality, justice and humanity. I believe this is very much the direction in which we should be moving. If we try to mix the two, the purpose of the bill can, unfortunately, be clouded and the objectives of the bill may be lost. I think we should stay away from what is strictly defined as a spouse and trying to define what a family is using words like tradition. The implication being that somehow the bill takes away from those definitions is the danger that is averted by the wording used here.

I take to heart what the member has said and look forward to working with him at committee to improve this bill.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I applaud the member for his speech. As a lawyer, he has done a masterful job of talking for an hour and not taking any firm position on this particular bill. I have listened to him, and at times I thought he was for it and at other times against it. At the end of the day, I do not think anybody knows where he is on the bill.

I would like the member to clarify for the record a couple of points, if possible. Does the member or his party see any legitimate, unique public policy interest in recognizing the institution of marriage? Bill C-23 applies every benefit and obligation, with the exception of the Divorce Act, to what is called a common law partner, which is subject to a conjugality term. We now have every benefit and obligation for marriage applied to these common law partnerships. Is that the way the member wants to go or does he see a unique public policy interest in the institution of marriage?

• (1330)

Mr. Peter MacKay: Madam Speaker, I appreciate the question from the hon. member and I will try to be very clear in elucidating

Government Orders

my position as to whether I think there is a benefit that can flow from having a definition of family.

I think the definition of family and a person's view and belief of what constitutes a family is very much an individual question for every individual to determine what is his or her family and what benefits and obligations flow from that.

I came from a family of a single parent. If the traditional view of a family were that there would have to be two parents living in a household to be considered a family, my personal view is, that would be wrong.

We have the common law recognition of two people who profoundly care for one another and want to share their lives together exclusive of others. It takes away the element of the ceremony and perhaps the religious or spiritual practices that are involved in the ceremony of marriage, but it does not remove the human elements of caring and sharing, living together and mutual respect.

I am not trying to avoid the question. Do I think there is value in recognizing what is a family? Yes. Do I think there is value in defining family in rigid, exclusive and exclusionary terms? No, I do not. That may be a debate for another time. If this is about giving individuals the ability to have financial freedom and financial entitlement in a broader, more open way, perhaps that is where we should be going.

I reserve the right to look at this legislation in greater detail at the committee. I do not think that any member of the House or any Canadian should be forced to decide this in 48 hours.

Mr. Eric Lowther: Madam Speaker, I would like to follow up on a previous question and ask the hon. member who has just spoken whether he agrees with the petition that he presented in the House on June 12 in which the petitioners asked that parliament enact legislation so as to define in statute that a marriage can only be entered into between a single male and a single female. He presented that petition. Was he in support of it?

Mr. Peter MacKay: Madam Speaker, I thank the hon. member for bringing forward that issue. As the member knows, when we present petitions on behalf of our constituents, we are instruments of their voices. We are bringing to parliament a certain view.

Do I ascribe to the view that the definition of marriage is between a man and a woman, and that particular institution, with all that flows from it? Yes, I do. If an individual wants to have that definition placed to one side, recognizing that there are other definitions such as common law and the expanded view of common law that this legislation would bring about, I see no problem with that, as long as it is not exclusionary and as long as it is not used in

an intolerant way to say that because we are married we are somehow entitled to something that another is not on a financial basis.

What happens between a couple in what is deemed to be a marriage, I have no difficulty in saying that I personally ascribe to the view that that involves a man and a woman.

Should there be another definition? The Reform Party member's colleague from Edmonton has brought forward a very interesting suggestion that we should have something called registered domestic partnerships, which would create another definition, separate from this view of what is marriage. Perhaps that is something we should look at as well.

The member across has indicated that this is a debate which has been around for centuries. We are not going to cure it in 48 hours, but at least at the committee we will have an opportunity to look at some of the options and try to achieve the largest umbrella that will help the largest number of people, which is, at the end of the day, what we all should strive for.

• (1335)

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Madam Speaker, I will be sharing my time with the member for Scarborough East.

I am delighted to have this opportunity to speak in favour of Bill C-23, the modernization of benefits and obligations act. I begin by commending the Minister of Justice, the Minister of Finance, the President of the Treasury Board, the Minister of Human Resources Development and the Minister of Citizenship and Immigration for their joint efforts, co-operation and collaboration in enabling the government to table this omnibus legislation.

The purpose of this legislation is straightforward. The bill will amend legislation to recognize the principle of equal treatment for all common law relationships. Same sex partners will be included in the new definition of common law partners. They will be granted the same benefits and obligations as opposite sex common law partners. Same sex spouses who have lived together for at least one year will qualify for benefits, the same length of time as common law spouses.

Bill C-23 will amend 68 federal statutes, affecting 20 federal departments and agencies. The legislation affected covers a wide range of subject matter, from the Bank Act to the Canadian Wheat Board Act, to the criminal code and the Firearms Act, the Indian Act, the Public Service Employment Act, the Trade Unions Act and the War Veterans Allowances Act, just to name a few statutes.

The proposed changes are about fairness. The changes are not about granting special rights; they are about equality before the

Government Orders

law. The changes are about fairness, tolerance and non-discrimination. These changes are a reminder to us all that it is not acceptable to discriminate against any person at any time or at any place.

The proposed changes will ensure that our laws reflect the values of Canadians, and Canadian values, values that are enshrined in our Canadian Charter of Rights and Freedoms.

When we speak about the values of Canadians it is not surprising to find that the majority of Canadians believe, as I do, that same sex couples should receive equal treatment. According to an Angus Reid poll taken in September 1999, 67% of Canadians agreed that same sex couples should have the same legal rights and obligations as a man and woman living together as common law partners. Regional support was broken down as follows: in my province of Ontario, 66% of Canadians were in support; in B.C. support was at 68%; and in Atlantic Canada support was at a high of 75%.

While I would like to applaud the federal government for taking bold leadership on this issue, unfortunately I cannot do so. On the day the bill was introduced in the House of Commons the Minister of Justice stated: "Canadians are probably way ahead of legislators on this issue".

These changes come almost a year after a Supreme Court of Canada decision ruled that same sex common law couples are entitled to the same benefits under family law as heterosexual couples. On Friday the Minister of Justice confirmed that the court gave the government the direction in which it needed to go.

Both federally and provincially there have been many challenges before courts and human rights tribunals regarding the benefits of same sex couples. In its May 1999 ruling in *M. v H.* the Supreme Court of Canada made it clear that government cannot limit benefits or obligations by discriminating against same sex common law relationships. Denying equal treatment before the law to same sex common law partners is contrary to the principles of equality enshrined in the Canadian Charter of Rights and Freedoms as well as the Canadian Human Rights Act.

Several provinces have already begun to amend their legislation. Since 1997 B.C. has amended numerous statutes, including six core statutes, to add same sex couples. In June 1999 Quebec amended 28 statutes and 11 regulations to grant same sex couples the same benefits and obligations that are available to opposite sex common law spouses. In October 1999 in Ontario, to comply with the supreme court decision in *M. v H.*, the Harris government passed omnibus legislation to bring 67 statutes into compliance with the ruling.

However, this is not the first time the federal government has passed legislation to extend benefits to same sex partners. In fact parliament passed Bill C-78, which extended survivor's pension

benefits to same sex partners of federal public service employees. All three territories and a number of other provinces have also passed similar legislation. These provinces include Manitoba, Quebec, Saskatchewan, British Columbia, Ontario, New Brunswick and Nova Scotia.

• (1340)

It should also be noted that Bill C-23 will not have an impact on the private sector. However, it is equally worthy to note that over 200 private sector employers have already extended work related benefits, such as dental care and pension benefits, to same sex partners for their employees, as do most municipalities, hospitals, libraries and community and social service institutions across Canada.

It is incumbent upon the federal government to act now. While some of the provinces have amended their statutes, Canadians must remember that under the Constitution Act, 1867 legislative jurisdiction is divided between the Parliament of Canada and the provincial legislatures. For example, Ontario amended 67 provincial laws that were the exclusive responsibility of the province, most notably the Family Law Act. This omnibus bill tabled by the government will amend only federal statutes.

Let me give some specific examples. Under the Income Tax Act a married person or a common law opposite sex partner may claim a tax credit for a dependent spouse or partner. The changes would provide that a same sex partner may also now claim the tax credit for a dependent partner.

Under the Old Age Security Act a married person or a common law opposite sex partner may claim an income supplement depending on the combined income of both partners. The changes that were tabled today would provide an income supplement claim for a same sex partner, but it would also be based on combined income.

We can see from the two examples I have used that the bill strikes a balance by extending both benefits and obligations to committed same sex couples.

I would like to give another example to illustrate the point I have just made about this balance. A household's income is one of the criteria used to determine a common law couple's eligibility for the GST or the HST tax credit. Because our laws do not presently recognize committed same sex relationships, individuals in such relationships can claim eligibility for these tax credits based on their personal income. Under the proposed legislation their eligibility would be calculated based on combined income, representing, in total, some savings for the government. On the other hand, we estimate that awarding survivor's benefits to surviving partners of committed same sex partners will represent a modest cost to the CPP. However, overall we estimate that the fiscal impact of these amendments will be minimal, if at all.

Government Orders

Recent court rulings have confirmed for legislatures the need to address the constitutionality of certain laws that discriminate against same sex couples.

As parliamentarians it is our responsibility to amend these statutes to ensure they conform with the charter. In the absence of legislative action the courts will continue to address cases in a piecemeal fashion. The status quo is not an option. It promises confusion, unfairness, and continuing and costly litigation. Equally important, it risks making the courts the arbiters of social policy.

Our proposed bill affirms parliament's primary responsibility for social policy. It provides a responsible, balanced and legally sound framework within which to address recent court decisions and, most importantly, to ensure that same sex couples receive fair and equal treatment under the law.

Mr. John McKay (Scarborough East, Lib.): Madam Speaker, I find myself in somewhat of an unusual position, being opposed to this bill while being on the government side.

The bill is fairly simple. It really could be written in one line: common law heterosexual relationships are the legal equivalent to common law homosexual relationships. Therein lies the entire issue.

• (1345)

Regardless of what any of us think, the face of the Canadian family is changing. It is really quite revolutionary. In the course of my lifetime the divorce rate, for instance, has gone quite high. Something in the order 40% to 45% of marriages fail over the course of the lifetime of a marriage. I dare say that in the House the rate is even higher. The cost of marriage breakup is pretty difficult to quantify. My own view of it is that frankly the children pay the price for marriage breakup, which is a very regrettable fact in our lives.

The bill turns common law homosexual relationships into the legal equivalent of common law heterosexual relationships, which for many purposes is equivalent to marriage. However no one seems to get into the issue of equivalency and whether it should be treated as such. To say that marriages break up over the course of a lifetime at a rate of about 40% or 45% is and of itself a regrettable statistic, but common law relationships break up something in the order of 60% to 65% over the course of five years. From what I understand, gay and lesbian relationships break up at the rate of about 90% over the course of one year.

For public policy purposes one has to question whether they should be treated as equivalencies in law. Statistically the relationships are clearly not equivalent. My view for public policy purposes is that they should not be treated as the same before all purposes of public policy. However the bill does precisely that. I will not argue the point that common law relationships, be they

homosexual or heterosexual, are not as committed, as loving or as whatever as any other relationship, but I do not think that frankly is the point.

We should not be basing public policies on some dubious notions, shall we say, of commitment and care for each other. Rather we should be basing public policy on the basis of the encouragement of what works and the treatment of other relationships as not offensive to equality.

I do not think there is anyone in this debate who argues with the basic point of equality and treating relationships in so far as possible on a basis of equality, but it seems that the government of the day, regardless of political stripe, needs to encourage the relationships that form the bedrock of our society.

The arguments that support the passage of the bill are as follows. The first argument is that the courts made us do it. That is what I call the bunker Mike Harris argument. Mike Harris thought that the best way to deal with a difficult political policy issue was to empty the legislature and have first, second and third readings all on the same day. Then he simply hoped that the fallout would be minimal.

This has been cited by some as a way to handle a difficult issue, and I quite agree that this is a difficult issue. It is not overly democratic, but what the heck. We get through it and get on with other things. It is called political expediency.

What disappoints me most is the unwillingness and the inability of our government to give serious consideration to the dependency model legislation. Not only does that dependency model legislation enjoy significant support in the caucus, but in my view it would enjoy significant support in the House. It was a great opportunity, to turn a phrase of Prime Minister Pierre Elliott Trudeau, to get the nation out of the bedrooms of the nation and to remodel public policy based upon need or dependency rather than upon one's sex life.

By choosing this route the government has exacerbated the divisions both within caucus and within the House rather than leading members to points of reconciliation and harmonization of views. The government has bought into the bunker Mike Harris mentality without every having read the cases.

Any fair minded reading of the lead case in the area of *M. v H.* shows that the courts are more than willing to defer to parliament. In fact, they have given four and a half or almost five years for parliament to debate the issue and deal with it. Now we are told that we will have about two weeks in which to put the legislation through the House.

The management or control of this issue is well on its way to achieving that which it tried to studiously avoid. I believe the House could have come together on a dependency model and that parliamentarians could have articulated the views to and for

Government Orders

Canadians, but instead in the haste to control government has made the issue divisive. I am perfectly prepared to concede that the issue is complex and fraught with difficulties, but the bill in my view is the refuge of the intellectually bankrupt and is the least that can be done under the circumstances.

• (1350)

This is not leadership in the field. It is frankly leadership by doing the minimum. Canadians have every right to wonder why together, whatever one's sexual persuasion, is the legal equivalent of marriage. For those of us who hold a high view of marriage, this is an amendment that is irksome and may well be damaging to the overall health of society. One year is frankly just like getting socks and underwear in the drawer. To make it the legal equivalent of marriage is something that needs to be thought about.

The government recognizes that having socks and underwear in a drawer is the legal equivalent of marriage and in fact prefers that relationship over the commitment by a son or a daughter to look after an infirm or disabled parent or child. When we put it in that phrasing we realize that we are going down a path of public policy which many Canadians may well not wish to go down.

There is something not quite right here. The bill will not enjoy my support. One of the sales points of the bill is that the government would leave the definition of marriage alone. Instead of articulating the definition of marriage in the bill the government has chosen to say nothing.

Of course one day after the passage of the bill there is nothing to stop a justice of any court saying that in his or her view the definition of marriage is old, antiquated, out of date and should be modernized. Then once again we will be going through this dance of the dialectic in the courts. We will be complaining about judicial activism and that parliamentarians will not have any say in the issue. Instead of dealing with the issue at this opportune moment, we are not dealing with the issue at this opportune moment.

Once again Canadians will not have their say in what they believe to be the essence of marriage and all the resolutions passed in the House will not matter at all, which is quite regrettable. A court will once again decide social policy, which is probably one of the last places one should deal with social policy. Then the justice minister of the day will introduce a bill amending the Marriage Act, arguing that he or she had really no choice but to follow the wishes of the court.

This is not a criticism of judicial activism. Rather it is a criticism of parliamentary inactivism. Canadians do not have a say through their elected representatives because the elected representatives do not insist on having their say.

There is a multitude of good reasons to oppose the bill, but the most significant one is that the government could have done so much more and has chosen to do so little. It did not define marriage and it could have. It could have got out of the bedrooms of the

nation and it did not. It could have adopted a dependency model legislation and it did not. It could have reflected the changing face of Canadian families in our society.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I applaud the hon. member across the way. It is sometimes hard for people to stand alone in the House but the hon. member has done so. In spite of pressure in his own caucus he has brought a thoughtful and balanced perspective to this piece of legislation that is definitely needed. I encourage him in his analytical and well reasoned approach to the bill.

He and I personally are on side on a number of the issues, on the weaknesses of the bill. I was just wondering, if there was one thing that could be changed, what would be the number one thing in this number of weaknesses we could do to improve the bill? What does he think that would be?

• (1355)

Mr. John McKay: Madam Speaker, I would have preferred the bill to reflect the resolution of the House last May or June that the definition of marriage be put in legislative form. To my mind that would have put to rest one of the most significant arguments. It would have allowed all of us to deal in a policy atmosphere which I think is fairer, more equitable and recognizes that the face of the Canadian family is changing.

One only needs to think of the attempt to deal with the Canada pension legislation. When the Canada pension legislation was introduced 30 years ago there were eight workers for every dependant. Presently there are five workers for every dependant. When other baby boomers and I reach the dependency stage there will be three workers for every dependant. That will put enormous pressure on our system of caring for Canadians. That reflects in a profound measure how the face of Canadian society will change.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, I also congratulate the member for Scarborough East on a very well thought out speech. I do not think he will be the only member on his side with that point of view by the time we get through this debate. I agree with him that the bill is intellectually bankrupt. I will be the next member to speak for our party and will say more about that when I give my speech.

Would the member agree with me that it would be good if we just put the bill aside for a while and had a committee tour the country to talk about the dependency model? Literally tens of thousands of people will be discriminated against. It will not be too long before the bill goes before the supreme court because someone does not fall under the category of having conjugal sex. Then we will have to come back with some other kind of bill.

Would we not be saving the country a lot of money and a lot of effort if we had a committee tour the country and listened to all the different models? In her speech this morning the minister said that

S. O. 31

we had to start looking at these models. Why is there a big rush to put the bill through today? Why do we not do it right and when it comes to the House the next time it will be done properly for everyone who is dependent on someone in Canada and not just certain groups of society specified by conjugal sex?

Mr. John McKay: Mr. Speaker, I agree with the overall principle that we should be looking at other dependency models. The face of the Canadian family is changing and is changing quite dramatically.

I cannot buy the argument for the issue of haste in terms of this bill. We have had something in the order of four and a half or five years since the lead decision from the supreme court. To my mind we have wasted those four or five years while we have let courts and activists decide the issues. In my view it is time for the Canadian people to be heard. If there was a fair hearing on the issue of dependency, I think Canadians would speak very vociferously on that issue.

There were \$1.1 billion promised, and nothing received. To make it worse the victims lawyers are in court asking for more money, and guess who for. It is for themselves.

• (1400)

The health minister is the architect of this mess. He persists in thinking lawyer thoughts of confrontation, litigation and send a bigger bill. If he had agreed to a no fault compensation program similar to the one which HIV victims received, these poor victims would have received help long ago.

Where is the \$1.1 billion? Come to think of it, HRDC mishandled about \$1 billion last year. Calamity Jane could have easily found a way to spend it all.

The Speaker: I ask hon. members to stay away from adding names to our members' names.

* * *

AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, a delegation from Manitoba is in Ottawa this week to meet with federal leaders to discuss what the federal government plans to offer farming communities in southwestern Manitoba that suffered through a disastrous flood last spring.

The delegation is made up of farmers, agribusiness, provincial and municipal politicians. All they are asking for is fair, equitable and consistent compensation for a natural disaster that was beyond their control. The flooding in southwestern Manitoba did not have the drama of the Red River Valley flood or the ice storm but it was nonetheless just as devastating.

I stood in the House exactly 10 months ago to make the government aware of the situation that was developing. I have also questioned the government a number of times asking it to address the issue. I am still waiting for a resolution.

Many Liberal members of the House have stated that they support the compensation package. Money was made available for the ice storm and the Red River Valley flood. I urge the members opposite to please make money and compensation available for an equally devastating flood.

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IMPERIAL ORDER OF THE DAUGHTERS OF THE EMPIRE

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, last Sunday one of Canada's most distinguished women's charitable associations, the Imperial Order of the Daughters of the Empire, celebrated its 100th anniversary. In my riding members of

STATEMENTS BY MEMBERS

[English]

NATIONAL FLAG OF CANADA DAY

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, November 15 is National Flag of Canada Day. This year's theme is "Take pride in Canada, the place to be in the 21st century". It is a time for Canadians to take pride in being citizens of a nation that the UN has ranked six years in a row as the best place in the world in which to live. It is a country built on values common to all Canadians, including openness, compassion, tolerance and respect.

Each year on flag day we reaffirm our pride in the Canadian flag. It is a symbol of the bright future of our youth as well as our hopes and dreams as a nation. On this occasion my colleagues in the House of Commons and I should remind ourselves that it is important to integrate new Canadian citizens in the country. Establishing connections between old and new Canadians helps us to build a stronger Canada.

* * *

HEPATITIS C

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, the hepatitis C victims of tainted blood continue to wait. Even the lucky few who were promised help by the Liberals if they were sick have not received a cent, and it has been two years.

the Barrie Kempenfelt chapter paid tribute at Central United Church to the IODE's accomplishments and its future initiatives.

The IODE was founded on February 13, 1900 and worked on behalf of Canadian families and children and supported Canada's efforts in wartime among many other accomplishments.

The Barrie Kempenfelt chapter contributes to a broad range of organizations in my community. This chapter has a particular interest in children with special needs.

I ask the House to join me in congratulating the IODE and wishing all members continuing success in the next 100 years.

* * *

[Translation]

SUICIDE PREVENTION

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, during this 10th provincial suicide prevention week we must express a wish for greater involvement by society as a whole on this issue.

Governments have an important role to play in preventing despair and the resort to unfortunate actions by a large number of people. A heightened awareness of this serious problem, which is a trait of modern societies, reminds each of us that we share a certain amount of the responsibility toward those who are suffering profound distress.

The causes of suicide are many and they are highly complex. Our individual and collective involvement is essential if we are to attenuate this misfortune which strikes too many families. Sometimes just lending an ear is sufficient to help put someone on the path toward a solution and prevent him or her from undertaking some desperate act.

As a government, as individuals, let us increase our awareness of our responsibility toward those who need our help.

* * *

[English]

AGRICULTURE

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I am pleased to draw attention to the arrival of farmers from Saskatchewan who will be in the gallery during question period. They moved their protest from the provincial legislature to the House of Commons.

I extend a warm welcome to Arlynn and Lillian Kurtz of Stockholm, Saskatchewan. Lillian, whom I have had the privilege to know in my former life, is on a hunger strike to draw attention to the plight of farmers in western Canada and their desperate need for some equalization payments sooner than later.

S. O. 31

For four months the Reform Party of Canada has sponsored about 60 meetings in western Canada known as Action for Struggling Agricultural Producers or ASAP. Over 5,000 farmers in Manitoba, Saskatchewan and British Columbia have attended these meetings and voiced their concerns about failed government programs, frustrating bureaucratic roadblocks and political ignorance and neglect.

The Liberals opposite have responded in their typical fashion. To this day dollars from the ill-fated AIDA program, supposedly in the hands of farmers by Christmas 1999, remain missing in action. The government found money for those impacted by the Red River flood, by the ice storm and those affected by the maritime—

The Speaker: The hon. member for Saskatoon—Rosetown—Biggar.

* * *

AGRICULTURE

Mr. Dennis Gruending (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, this past Sunday morning I met with Mr. Nick Parsons in Biggar, Saskatchewan which is in my constituency. I was not alone. The coffee shop was filled with local farmers and businessmen wishing him Godspeed on his journey.

● (1405)

As members may know, Mr. Parsons is driving his combine from Dawson Creek, British Columbia all the way to Ottawa. It is a slow, cold and difficult journey at a speed of 23 kilometres per hour and a distance covered of a maximum of 200 kilometres per day.

This trek is another desperate attempt to get the attention of this Liberal government to convince the government that if more aid is not forthcoming in the next budget, thousands of western farmers will go under before spring seeding.

Mr. Parsons and people in that coffee shop are saying that they need some help and they need it now. The government is looking at a budgetary surplus of approximately \$100 billion in the next five years. Surely there is money to reinvest in the people who put food on our tables.

I salute Mr. Parsons. I look forward to seeing him and his big red combine here on Parliament Hill.

* * *

[Translation]

LIBERAL GOVERNMENT

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, as we enter the third millennium, Canadians look with enthusiasm toward their country's economic future, and their own.

S. O. 31

The actions of the Liberal government are guided by one principle: improving the quality of life of all citizens.

The Liberal government has been able to lower taxes more than at any time in recent decades. We have exempted 600,000 people from federal tax, and we are all pushing for tax cuts in the budget of February 28.

We have been able to put government finances in order, and I must thank all the people of Brome—Missisquoi and all Canadians for their financial efforts.

We have made the greatest one time effort of any government ever. The 1999 budget called for \$11.5 billion to go to the provinces and territories for health. We have returned transfer payments to their pre-cut levels.

This is how a government serves the Canadian people.

* * *

HUMAN RESOURCES DEVELOPMENT CANADA

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, in the mess at the Department of Human Resources Development, the Prime Minister has said that only 37 cases are litigious. These 37 cases come from a sampling of 459 cases taken at random from among 30,000 cases.

Equally logically, if it may be put that way, the Prime Minister could say that the findings of a recent poll of a Canadian sample of 1,007 persons, which reveals that 544 would currently vote for the Liberals in an election, could be taken to mean that, in Canada, only 544 Canadians support the Liberals.

Obviously that is absurd, but no more absurd, since it is the same logic used to state that only 37 cases are litigious at HRDC.

The Prime Minister is obviously aware of this absurdity, but he apparently thinks that Canadians are dumb enough to believe it. Treat a people with any more disdain than that and you die.

* * *

[English]

NATIONAL FLAG OF CANADA DAY

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, today is National Flag of Canada Day. This year we celebrate the 35th anniversary of the Canadian flag.

Each year on flag day we reaffirm our pride in this country's flag. Since it was first raised on February 15, 1965 the flag has been a symbol by which our country is recognized throughout the world. Ask anybody who has put it on a backpack and travelled throughout Europe.

The Hon. Maurice Bourdet once stated, "The flag is the symbol of the nation's unity, for it, beyond any doubt, represents all the citizens without distinction of race, language, belief or opinion".

In recognition of flag day I have sent flags to each of the secondary schools in my riding of Kitchener Centre.

I had the privilege last Friday to visit Cameron Heights Collegiate in downtown Kitchener and there, with students studying international law, we raised a flag to celebrate flag day in Canada.

Raising the flag gives us all an opportunity to reflect on what it is to be Canadian.

* * *

[Translation]

BLACK HISTORY MONTH

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, in December 1995, the Parliament of Canada passed a motion to officially designate February as black history month.

As an expression of the government's commitment, the multicultural program of the Department of Canadian Heritage created the Mathieu Da Costa awards program in 1996. This program commemorates the heritage of Mathieu Da Costa, the first black person to settle in Canada.

[English]

Events and activities during Black History Month focus on Canadian heritages and racial and ethnic identity and provides an ideal opportunity for all Canadians to share their views and debate the importance of fostering an inclusive society in which people of all backgrounds are respected and recognized as being vital to an evolving Canadian identity.

Black History Month has become a showcase for all of us to present our history as both blacks and Canadians.

* * *

● (1410)

NATIONAL FLAG OF CANADA DAY

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, today is flag day and so it is appropriate to make the following statement on behalf of some of my constituents. During the winter break I held a series of farm meetings in my riding. At one of them I was presented with a worn Canadian flag and the following letter to the Minister of Canadian Heritage:

We are no longer proud Canadians and therefore are returning our Canadian flag. Yes, the fabric is quite tattered. Normally we replace our flag as soon as it begins to fray, but we kept it flying as a grim reminder of how tattered the social fabric of the farm economy is here in Saskatchewan. We beg you to take action to preserve the family farm.

Respectfully yours, Leonard and Yvonne Nakonechny and Family, Foxford, Saskatchewan.

The flag was presented to me on the understanding that I would present it to the minister. With her permission I will make the presentation to her in the lobby following question period.

* * *

EMERY COLLEGIATE INSTITUTE

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I want to comment on the tragic shooting last Thursday, February 10 at Emery Collegiate Institute not only because the school is in my riding but also because there are lessons to be learned that might be ignored as everyone rushes about looking for easy answers and where to lay the blame.

Emery Collegiate is a wonderful school. It is a mini United Nations that is a model for other schools, one that not only teaches racial harmony, tolerance and respect but lives it throughout the school. It is a dynamic progressive school that is offering unique challenges to thousands of young adults while participating with major companies like Apotex Pharmaceuticals in a new program called Cyberspace.

This unfortunate incident could have happened anywhere in the city of Toronto or elsewhere in our country. Incidents involving violence, our young people and our communities continue to increase and they demand a multifaceted approach to looking for solutions. There are many questions we need to be asking. One of them is the ongoing lack—

The Speaker: The hon. member for Jonquière.

* * *

[Translation]

BILL C-20

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, democracy is the principle underlying civilized human relations in society. Contrary to an all too common notion, it is fragile because it is based on a tacit agreement between parliamentarians and citizens that the most diverse points of view should be heard.

In that respect, our political system leaves a lot of room to the executive branch, which controls the legislative branch and which appoints the judges who administer justice. This is what gives particular importance to our parliamentary committees. These committees are the one forum where partisanship can and must be avoided.

Yesterday the committee examining Bill C-20 ignored this tacit agreement and gave the worst example of blind partisanship by government members.

The government decided to restrict the freedom of the committee in order to ram Bill C-20 through the House. But this is forgetting that democracy is both a means and an end—

S. O. 31

The Speaker: The hon. member for Fredericton.

* * *

[English]

ATLANTIC CANADA CRAFT AWARDS

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I am pleased to rise in the House today to congratulate three award winning artists from my riding of Fredericton. The Atlantic Canada Craft Awards of Excellence were recently awarded as part of the 23rd Atlantic Craft Trade Show.

Fredericton jeweller Trudy Gallagher won the Outstanding Exporter Award. Trudy's company Bejewel exports to over 250 stores and galleries across North America and Europe. Even members of parliament wear Trudy's jewellery. I am very pleased to congratulate Leslie Johnson, a Fredericton potter who received honourable mention for excellence of design and Sue-anne McDonald, a Fredericton candy maker who received an award for booth design.

Fredericton has many fine artists and artisans and I am pleased to congratulate these three on their special achievements.

* * *

[Translation]

NATIONAL FLAG OF CANADA DAY

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, every year since 1996 we have been celebrating National Flag Day on February 15. The Canadian flag is a symbol of pride, loyalty, democracy, honour and respect.

We are truly privileged to live in the best country in the world.

[English]

We are privileged to live in a country that allows all Canadians, regardless of sex, race, religious belief or linguistic preferences to strive and realize their dreams and aspirations.

Mr. Alexandre Cyr, member of parliament for Gaspé until 1965, proposed this form of pledge to the Canadian flag. I invite all parliamentarians to please rise and give pledge to our flag today.

• (1415)

[Translation]

“To my flag and to the country it represents I pledge respect and loyalty. Wave with pride from sea to sea and within your fold keep us ever united.

[English]

Be for all a symbol of love, freedom and justice. God keep our flag. God protect our Canada”.

*Oral Questions***ORAL QUESTION PERIOD***[English]***HUMAN RESOURCES DEVELOPMENT**

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, yesterday the human resources minister had a very hard time trying to explain why she kept shovelling millions out the door even after she admitted that her department told her it was operating with virtually no administrative controls, or, in her own words, in the dark ages.

Now that she has had a day to get advice from her image consultant, perhaps she can try again.

Why, after learning of a \$1 billion bungle, did the minister just reach for her chequebook?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the only ones who are asking for a stop to these programs are the hon. members in the loyal opposition.

Let us understand that the programs we were approving went to communities in opposition ridings like Lac-Saint-Jean where the unemployment level was 17.9% and a transitional jobs fund or a Canada jobs fund can really make a difference; or in the riding of St. John's East where the unemployment level was 13.8%. We know it is these kinds of programs that make a difference.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, the minister did not answer the question. It appears she is more interested in damage control than in fixing the problem.

The day after she learned about the audit she was just concerned about continuing to shove as much money out the door as quickly as possible. No new controls were in place and no management changes had been made.

I ask again, why did the minister write \$3 million in grant cheques immediately after she found out that \$1 billion had been bungled?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, unlike the hon. member who would like to cut \$15 billion out of the social programs of the government, we do not feel that way.

What is interesting is that it is not all members of the Reform Party who want these programs stopped. In fact, as late as November 12 the member for Nanaimo—Cowichan wrote to me saying "I have received several complaints from constituents who have been very frustrated over the time it takes for Canada jobs funds to be approved". He said that he could understand the frustrations experienced by applicants but that he was wondering if

there was any way that the waiting period for Canada jobs funds could be shortened.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, let us try again.

In spite of the minister's assurances to the House over and over that everything was just hunky-dory with these programs, she found out the truth at some point. She did not share it with the rest of us but she did find out. She found out that her own department was out of control, that the moneys that were going out, instead of doing the good things she claimed they were doing, were simply uncontrolled and mismanaged. Yet she continued to spend the money and send it out the door.

My question is very simple and I would like an answer: Why?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, again let me remind the House that we have a very strong strategy to deal with the administrative deficiencies in my department.

I would ask the hon. member to ask her seatmate, the member for Skeena, who even today, yesterday and the day before had his office call my office asking why we could not hurry up the approval of the Canada jobs fund.

• (1420)

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, here we are on our second day and the minister has yet to answer a question. The question is pretty straightforward.

Only a Liberal could think that handling a billion dollar boondoggle could be best fixed by hiring another communications expert.

The minister's first reaction to the audit was to spend another \$3 million. She waited two full months before she started to put the brakes on any spending. I am not convinced she ever did.

The question again, very simple again and for the second day in a row is why did the minister wait two months before she stopped the spending at HRD when she knew that the bungle was going on in her department?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, even the auditor general did not ask us to stop the programs. He agreed with the strategy that we were putting in place.

The hon. member is from the province of British Columbia. I wonder how he would respond to John Radosevic, president of the United Fishermen and Allied Workers' Union and the CAW, who wrote:

With assistance from HRDC, people who had been hard hit by changes in West Coast fisheries are fighting to make a comeback. With the help of your department we have

Oral Questions

trained people and created employment for many who were forced to leave the industry. We also deeply involved with the—

The Speaker: The hon. member for Fraser Valley.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I do not know why the minister thinks she is going to get away with this. She has not answered the question for the second day in a row. It is as if being a Liberal means somebody else has to say that they are sorry.

They hired communications experts to try and give them a new and creative spin on it, but this is what happened after she knew what was going wrong in her department. She did not call her managers on the carpet and say that this had to stop. She did not freeze all new spending. She did not order an immediate audit of the grants that were going out.

What did she do? She swept the audit off her desk, opened up her chequebook and continued to write the cheques.

Why did it take two months for this minister to change her spending—

The Speaker: The hon. Minister of Human Resources Development.

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, as I have said time and again, we got the information, we made it public and we have built a strong response to deal with the issue of administrative control and management with grants and contributions in my department.

Here is another letter from the mayor of the village of Valemount. She writes:

—we have been successful in securing submissions from significant private investors for three destination resort projects. . . with expected job creation of over 200 full time positions—

She said that this was as a result of the work with—

The Speaker: The hon. leader of the Bloc Quebecois.

* * *

[Translation]

BILL C-20

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, during the meeting of the legislative committee considering Bill C-20, the government majority refused to allow the committee to travel throughout Quebec and Canada, despite the unanimous protests of the four opposition parties.

How can the Prime Minister justify this refusal, when the four opposition parties represent 62% of the population and are demanding that the committee be allowed to travel throughout Quebec and Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, not all committees have to travel.

I want to remind the House that, in the debate on the constitutional amendment with respect to linguistic school boards in Quebec, Bloc Quebecois members did not want to have a single witness—

Some hon. members: Oh, oh.

Right Hon. Jean Chrétien: Their own leader said, “Today, the federal government tells us this was not enough”, referring to consultation.

The minister in Quebec City, Jacques Brassard, who did not want a committee, said that this was a diversionary measure, a stalling tactic. He did not want to hear a single witness.

In this case, 45 witnesses will appear before the committee.

• (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister is forgetting one thing. The National Assembly was unanimous on the school board issue. People were calling for change, which is far from being the case now, because all parties in the National Assembly are opposed to Bill C-20. The four opposition parties in this House are asking that the committee be allowed to travel, as the fisheries committee is going to do and as the committee on free trade has already done.

If it is a matter of consensus, are we not starting to see just that with all the opposition parties here and the three parties in the National Assembly?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when there was a constitutional amendment, the Government of Quebec did not want to hear from a single witness or strike a committee to hear from those who had objections. What is more, I allowed a free vote in the House of Commons. And they are accusing us of being undemocratic? They accused us of being practically traitors because we allowed our members to vote freely on a matter as important as religion.

We have nothing to learn from people who did not wish to hear from a single witness on such a fundamental matter.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, the Prime Minister and his Minister of Intergovernmental Affairs claim they are passing Bill C-20 to protect Canadian democracy. They must have a pretty poor idea of what Canadian democracy is, because all that they are doing is preventing it from being expressed.

Can the Prime Minister tell us what his government is so afraid of that it needs to so restrict the time for the committee debate, to limit the number of witnesses and to refuse to go and meet people where they live?

Oral Questions

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there is nothing antidemocratic about what the committee is doing. On the contrary, I congratulate it on its accomplishments so far.

Forty-five witnesses will be heard. Meanwhile, the members of the opposition across the way, who claim to be in favour of democracy, were spending their time trying to table press clippings in the House of Commons, instead of engaging in any real debate on this bill.

The government has acted in a reasonable manner. It is doing the right thing. The members across the way know that very well.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, one might well wonder which government it was that imposed a gag order on this House during the second reading of a bill of such importance to the future of the people of Quebec.

Should the Prime Minister not just admit that, if he refuses to allow the committee to travel to Quebec and to the rest of Canada, it is because he knows that the people of Quebec are opposed to his bill and that his government is not fit to show its face anywhere in Canada because of the terrible way it has managed public funds at Human Resources Development Canada?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, that was quite a leap.

The hon. member opposite just said the government imposed a gag order. Need I remind the House that the government has offered to extend the time, but the Bloc Québécois member rejected that? He did not want to debate the measure.

Finally, in 1997, in an interview on the bill to do away with denominational school boards, the Leader of the Bloc Québécois said that even study by a parliamentary committee would constitute what he called “an affront to the democratic process”. That is what the Bloc Québécois said—

The Speaker: The hon. member for Winnipeg—Transcona.

* * *

[*English*]

NEWSPAPERS

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Right Hon. Prime Minister. He will likely—

Some hon. members: Oh, oh.

Mr. Bill Blaikie: You guys, be quiet down there.

Some hon. members: Oh, oh.

The Speaker: Order, please. You took the words right out of my mouth.

• (1430)

Mr. Bill Blaikie: Mr. Speaker, my question is for the Right Hon. Prime Minister who will no doubt be aware by now that Thomson Newspapers has announced that it intends to sell all its newspapers with the exception of *The Globe and Mail*.

Given that this raises the alarming prospect of an incredible concentration of ownership in the print media in this country, and given that this issue has been with us since the Kent commission back in 1980-81, I wonder whether the Prime Minister could tell us, whether the government now intends to act in some decisive way before we face the prospect of a virtual monopoly in the print media in Canada.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to say that I think the member for Winnipeg—Transcona would like to have your job.

The problem that the member has mentioned today will be studied by the government. If there is too much concentration in a sector such as this one, probably the government and the House of Commons will have to look into the problem. I thank the member for raising this question.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the matter may well be urgent. I mean these papers are now for sale.

I would ask the Prime Minister or the minister in charge whether or not the government has a contingency plan to bring in the kind of legislation recommended by the Kent commission almost 20 years ago, to make sure that we are not studying this after the fact and to make sure that we do not have a House of Commons committee looking at the fact that we have a monopoly in the print media in this country.

We want action to prevent that kind of monopoly and we want to know when that will be coming.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think the hon. member is raising a serious problem. Perhaps the committee should look into it right away. I have no objection.

The Standing Committee on Industry could look into the problem of too much concentration in the private sector. Perhaps the committee can look at the possibility of advising the House of Commons on what it thinks we should do with this problem.

* * *

HUMAN RESOURCES DEVELOPMENT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, my question is for the Minister of Human Resources Development. Does the minister deny that she knew nothing of the problems in her department prior to the completion of the audit on November 17?

Oral Questions

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, as I have said on a number of occasions, when I was briefed as the new minister we went through all kinds of issues that are part and parcel of the Department of Human Resources Development. As the hon. member has raised on a number of occasions, we talked about the transitional jobs fund and the transition from that program to the Canada jobs fund.

With reference to the internal audit of 24 different programs in my department, on November 17 the briefing was given to me on that audit.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, my question is for the minister again. She should have known that there were problems after that extensive audit and the extensive briefing when the minister's portfolio changed hands.

What we would like to know now is: When did the minister first make known these problems to the Prime Minister or the PMO? When did she do that?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, my first intentions were to understand the issues, to insist on the development of a strong management response to make sure that we had a strategy that was going to fix this problem, and we have done that.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, the HRDC audit found that 15% of the grants did not have applications on file. It showed that 87% had no evidence of supervision.

Over the past few weeks bureaucrats have been fanning out across the country desperately trying to create a paper trail. What assurances could the minister give Canadians that while the bureaucrats are trying to rewrite the files they are not rewriting history too?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the assurances go back to the fact that we are engaged with partners in all these projects, with sponsors that in their own communities are providing opportunities for Canadians that would not exist if that party were in power. We know that for sure.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, if the partners would prevent the problem, the problem would not exist. Verbal assurances from this minister will just not cut it.

When a department official accidentally sent incriminating evidence to the member for Madawaska—Restigouche, the official phoned trying to get that member of parliament to destroy the document. Grant lists have been produced and altered depending

on who requests them. Has the human resources minister not taken steps to protect documents because she wants to be able to reserve the right to alter them?

• (1435)

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me just say that the premise of the hon. member's question is absolutely false. We have a strong plan that is going to fix this problem that has been supported by the auditor general and by outside experts. My job is to ensure this issue is fixed, and I will do that.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the Prime Minister has reduced to 37 cases and \$251 the serious administrative mess at the Department of Human Resources Development. The audit that brought the whole matter to light examined 459 of 30,000 files in the department.

Will the Prime Minister not acknowledge that, instead of putting the lid on the pot at Human Resources Development Canada, he should, in an effort to save his government's honour, if such is possible, order a full inquiry by the auditor general of the rest of the department, on the remaining and unaudited 29,541 files?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the auditor general has a mandate to analyze all files at all times.

In the past, the auditor general could report only once a year. To permit him and the government to act quickly, he can now report every four months. He indicated that he was currently reviewing all grant programs in all departments. We encourage him to continue his work.

I want to tell you that more files have been completed, 14 in all—

The Speaker: The hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the Prime Minister keeps trying to reduce the number of problem cases at Human Resources Development Canada to 37.

How can he simplify things this way, when Wal-Mart, whose managers even said they were surprised at the total lack of control by Human Resources Development Canada, is not among the 37 cases? How many similar files are there among the 30,000 other files in the department?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member gives me the opportunity to convey to the House that indeed we have closed 14 of the 37

Oral Questions

cases that he makes reference to. Again, the overpayments have come to a total of \$251.50.

Having said that, I also want to bring the hon. member's attention to the plan of action we are implementing that will review all the active files that have been part and parcel of the grants and contributions. I say again we have a strategy that has been supported by the auditor general and we are going to implement it.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, while the human resources minister is in a serious conflict of interest, we have already seen her attempts to cover up her billion dollar bungle—

Some hon. members: Oh, oh.

The Speaker: Order, please. You are going a bit far with the statement. I ask the hon. member to proceed to the question.

Mr. Grant McNally: Mr. Speaker, it is obvious that the human resources minister and her officials have a free hand to take a look at these files and there are no safeguards guaranteed.

I am going to ask the attorney general what assurances she can give Canadians that these files and their integrity will be protected so we can get to the truth lying behind this scandal.

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, we are implementing a strategy that is going to ensure the integrity of our program. We have made commitments to convey to the Canadian public the results of our ongoing work.

As the Prime Minister indicated, the auditor general will be reviewing grants and contributions for my department and others, and he will be making his report. Those are the kinds of open and transparent methods that the Canadian public can rely on.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, the minister's plan does not have any requirement to answering questions in the House.

In any normal investigation suspects are denied access to incriminating evidence. In this case the human resources minister and her officials have a free hand to alter, destroy or fabricate documents. Canadians will never get to the bottom of the billion dollar bungle in this case.

• (1440)

I will ask the attorney general again what assurance she can give Canadians that the integrity of these files will be maintained so that we can get to the truth lying behind this scandal.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the hon. member is making criminal accusations, it is his duty to make a charge. He is trying to insinuate that people are

voluntarily destroying documents. He implied that they are going against the obligations of all citizens to respect the Criminal Code of Canada.

If he has any precise accusations, he should make them and not try to use innuendo because he has no proof.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, as regards the scandal at Human Resources Development Canada, the Prime Minister keeps trying to minimize the damage by reducing to 37 the number of delinquent files.

How can the Prime Minister downplay the problem in such a way, considering that, in his riding, a \$1.2 million subsidy was awarded to Placeteco after it went bankrupt, but is not included in the 37 problem cases, even though the minister herself condemned the way that file was handled?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I want to say again to the House that these grants and contributions are found in ridings of all members of parliament, including those of the Bloc.

I would just like to say that in the context of the importance of these programs and their availability, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques said:

[*Translation*]

“This proves that the myth that members of the opposition are unable to get anything for their ridings is false”.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the other reason why the Prime Minister is trying to minimize the problem is that he wants to protect his deputy minister, Mel Cappe.

How can the Prime Minister justify that the main official responsible for this administrative mess at Human Resources Development Canada was promoted to the highest level job in the public service of this country? Does the Prime Minister not realize that, in the private sector, that fellow would have been fired, not promoted?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me remind the House again that this was an internal audit, an audit done by the department, its own series of checks and balances.

The information was provided to me as minister and we chose to act in a very strong manner. We have a strategy that is now being implemented and the problem will be rectified.

Oral Questions

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, the human resource minister loves to crow about the transitional jobs fund going to the needy.

Consider these needy companies: Videotron, recently merged for \$5.6 billion, got \$2.5 million from this minister; RMH Teleservices, worth \$80 billion, got \$1.6 million from this minister. What about Wal-Mart, one of the world's largest companies—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member can begin his question again.

Mr. Charlie Penson: Mr. Speaker, I think I will just pick up with Wal-Mart, one of the world's largest companies, that benefited from this minister's largesse by \$500,000.

My question is for the minister. Why does the human resource minister think that defending bonuses to large corporate companies, multibillion dollar companies, is more important than providing a health care budget for Canadians?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, we know that the Reform Party is only interested in money. What Reformers fail to appreciate is that these programs are focused on people. That is why working in partnership with private interests, with communities, we are creating jobs for individuals.

• (1445)

Members of the party over there say they would like to kill these programs, but yet, as I pointed out, individual members, the member for Skeena, the member for Nanaimo—Cowichan and even the member for Kootenay—Columbia, keep calling my office, saying “Can't you please hurry and approve the application?”

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, what we are witnessing again today is another diversionary tactic by this minister.

Who are these needy people?

Some hon. members: Oh, oh.

The Speaker: Order, please. This is neither fair to the questioner nor to the person who tries to give the answer. I do not know what the commotion is about because we are here to ask questions and hopefully to get answers from the other side.

Mr. Charlie Penson: Mr. Speaker, Canadians are not being fooled by this smokescreen. They are not being fooled by what is happening over there. In fact, they are pretty disgusted by the laughter. A billion dollars of taxpayers' money has been mismanaged and the government thinks it is funny. I do not think it is funny.

Who are these people who benefited from the minister's largesse? The Walton family, which owns Wal-Mart. Four of them are listed in the top 10 list of *Forbes* as Americans who are the richest people in the world. Why is the minister wasting taxpayers' money on these kinds of people?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, there is no diversionary tactic here.

The Canadian public are not being fooled by a smokescreen that they know to be true, which is that the Reform Party would cut \$15 billion out of social programs—just like that. The Reform Party says it wants to kill these programs, except when we ask the individual members who know that the transitional jobs fund, the Canada jobs fund, the opportunities fund and other programs make a difference to individuals in their ridings.

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the Prime Minister is trying to put a lid on things by reducing the HRDC scandal to the paltry sum of \$251, because he is only too aware that his entire system is being exposed.

Is this whole issue not proof that what the Prime Minister is ultimately trying to do is protect the former minister, the current minister, and the deputy minister from the mediocrity of his government's management and, ultimately, all his cronies?

• (1450)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, here is a member who must have written dozens of letters requesting assistance for people in his riding.

Our government has taken a \$42 billion deficit and turned it into a surplus. We have used these programs to reduce unemployment from 11.5% to 6.8%, the lowest level in 25 years. A total of 1.9 million new jobs have been created in the past six years.

All these programs have been organized to help the most disadvantaged in our society. It is always the opposition that demands the most, and now they are pulling their holier-than-thou routine.

* * *

[English]

NATIONAL FLAG OF CANADA DAY

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, we learned today that Canada's original maple leaf flag is not presently displayed in Canadian museums. Since the committee that chose the flag was chaired by my predecessor and constituent, John Matheson, I would like to ask the Prime Minister whether the original flag will be given to the government.

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, today, February 15, is the day for celebrating the Canadian flag which was approved by this parliament 35 years ago. Indeed, the hon. member's predecessor was the chairman of the committee that proposed the flag. The flag was given to the Liberal caucus by the great Canadian, Lester B. Pearson. Today I am very happy to say that the president of the caucus will give the flag to the Minister of Canadian Heritage.

[Translation]

It is a very important flag, which is part of Canada's history, and it will be turned over to Canadian authorities to be preserved for posterity.

* * *

[English]

HUMAN RESOURCES DEVELOPMENT

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, boy, the spin doctors are in full damage control mode today.

The official opposition would like to kill mismanagement and ineptitude by the department and by this minister. That is what we are after.

The minister had a shameful track record when she was at Indian Affairs and Northern Development and also now that she is at HRDC. Millions of dollars were funnelled from HRDC to the Metis Provincial Council of British Columbia, even though she received over 50 complaints about abuse and mismanagement. There is a trend here. The minister knows that, whatever department she is in.

Why did the minister do nothing when she found out about that? Why did she sit on her hands and do nothing while millions of dollars were at stake?

Some hon. members: Oh, oh.

The Speaker: Order, please. It is very difficult for the Chair when everyone is talking. From what I made out from the question, it dealt with the responsibilities of the minister in her present portfolio. I believe that is what it dealt with. If it was, she may answer. If it was not, she need not answer.

Some hon. members: Oh, oh.

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, here we are—

Some hon. members: Oh, oh.

The Speaker: Order, please. The first question was out of order. If the hon. minister—

Miss Deborah Grey: No, it was not.

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Edmonton North has the floor.

Miss Deborah Grey: Mr. Speaker, would that be for question number one, which was in order, about HRDC money, or question number two?

I would ask the minister to rise to her feet—

Some hon. members: Oh, oh.

• (1455)

The Speaker: Order, please. When a question is asked, of course it is asked of the government. The government has a choice as to whether or not to respond to a particular question. It is up to the government. When there is no response we go to the second question. That is why I gave the floor to the hon. member for Edmonton North. I would appreciate it if she would go to her second question.

Miss Deborah Grey: Mr. Speaker, I would like to ask about money that was given to the Metis Provincial Council of British Columbia out of HRD funds.

It is not Indian affairs, but I see a pattern developing here about her behaviour in Indian affairs and her behaviour now in HRDC. She received 50 complaints about lack of access, financial improprieties and political interference for heaven's sake. If that is not the administration of the government, I do not know what is.

Why will this minister not stand on her feet, say she is inept and just let this thing go?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, what is so interesting about this diatribe that comes across is that the opposition does not seem to be able to understand the fact that we got information, we made it public and we are dealing with it.

I cannot see what is wrong with that. We are being accountable and we are dealing with information that has been obtained within our department and we are acting upon it.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the human resources minister has said that certain ridings that were not eligible for transitional jobs funds received money because of pockets of high unemployment.

Now we have the HRDC officials saying that no clear guidelines were established concerning which ridings and which pockets of high unemployment were eligible.

When were the rules concerning pockets of unemployment changed? Who was informed? Did all 301 MPs receive notice of this change?

Points of Order

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, indeed the focus of the transitional jobs fund is to help create employment in areas of high unemployment.

I say again and again that this program has been very effective. It has been supported by the member himself, because it has allowed 30,000 people who did not have jobs before to find work.

* * *

AGRICULTURE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, earlier this afternoon Manitoba farmers met with the minister responsible for national defence and emergency preparedness to broaden assistance under the Disaster Financial Assistance Arrangement Act for last year's flooding.

Some items have been covered under the act, but I am told that the minister indicated that the other items were the responsibility of the department of agriculture, including things like weed control, chemicals and fertilizers.

This is the kind of buck passing that the prairie farmers have had it up to here with. They simply want to know who is responsible. I would ask the Prime Minister if perhaps he could unravel this enigma and tell us who is responsible.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the disaster assistance response program is one that has very clear guidelines. It comes out of an agreement that we have with the provinces. We cannot unilaterally change it without discussions with the provinces. Indeed, they have made representations with the possibility of making changes and we are happy to talk with them about it. But we cannot do that retroactively. We cannot do it to a program that is the subject of an agreement.

If a province wants to give additional resources, it can do that, but if there is to be any reimbursement it has to come in accordance with the program that we have all agreed to.

* * *

• (1500)

[Translation]

HUMAN RESOURCES DEVELOPMENT

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, yesterday, the Minister of Human Resources Development quoted figures from 1995 to justify spending by her department in her riding.

Why did her department rely on data from 1995 for 1998 and 1999 projects? How many years must one go back to justify spending in ridings represented by ministers?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the statistics from Statistics Canada that

were used for the transitional jobs fund were those that were available in 1995 for the Canada jobs fund. It is those that are available in 1997.

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, yesterday the minister referred to pockets of unemployment in her riding. Therefore her department must have prepared documentation for her.

Do these same pockets of unemployment apply to determining the hours one needs to qualify for employment insurance? Do these same pockets apply?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Not necessarily, Mr. Speaker, but let me say in the context of employment insurance and employment how pleased we are to find ourselves in circumstances with the lowest levels of unemployment since 1974.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of two visitors. The first is the Honourable Steve Ashton, Minister of Highways and Government Services for the province of Manitoba, and the second is the Honourable Piers MacDonald, Government Leader of Yukon.

Some hon. members: Hear, hear.

* * *

POINTS OF ORDER

COMMENTS DURING QUESTION PERIOD

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, I rise on a point of order. During the course of question period the HRDC minister answered a question by saying that I had been in contact with her office and that I had been pushing for grants to be going to my constituency. That is a lie.

Some hon. members: Oh, oh.

• (1505)

The Speaker: I know the hon. member knows full well that we cannot use that word in the House. It could be that there is a difference of opinion on both sides, but the hon. member is one of the most respected of our parliamentarians. I would ask the hon. member to withdraw the word lie.

Mr. Jim Abbott: Mr. Speaker, I cannot withdraw the word lie because it is.

* * *

NAMING OF MEMBER

The Speaker: Mr. Abbott, I have to name you for disregarding the authority of the Chair.

Points of Order

Pursuant to the authority granted to me by Standing Order 11, I order you to withdraw from the House for the remainder of today's sitting.

[*Editor's Note: And Mr. Abbott having withdrawn:*]

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, during question period the Minister of Human Resources Development also made statements that I was constantly phoning her office. I want you to know, Mr. Speaker, that was not true and I would ask her to withdraw those comments. They were misleading the House.

The Speaker: We have the hon. minister with us now. The hon. Minister of Human Resources Development.

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): There are two things, if I might, Mr. Speaker. First, with regard to the representations of the member for Kootenay—Columbia, I would want to clarify that it was his office that called my office on January 5 and January 17, the staff in his office.

• (1510)

Second, with regard to the member for Nanaimo—Cowichan, I was quoting from a letter that he wrote to me on November 12 which read:

Dear Mrs. Stewart:

I have received several complaints from constituents who have been very frustrated by the time that it takes for CJF (Canada Jobs Fund) to be approved.

While I, along with the applicants, do acknowledge that this is a grant extended by the government the time involved before confirmation of acceptance is obtained often leads to financial hardship.

In the case of my constituent... he has leased facilities in Chemainus, B.C., where he has a potential of creating much needed jobs for about 15 people.

My request from HRDC for concurrence was received June 16, 1999... and a representative from HRDC has informed me that the application has just now been forwarded to Victoria, B.C., where it is expected to be for up to three weeks.

The Speaker: Question period was a bit feisty today as it often is. We have opinions from both sides. Many times the preambles to the questions have words that incite all of us, and the answers which the government gives are sometimes the same way.

I think we would all agree that this was not necessarily the best question period we have had. I think the sooner we get on with the business of the House the better off we will be.

• (1515)

We had a statement in question period by the minister where she quoted some information she had. We have a member saying that is not quite so. We have the minister on the other side explaining why she said it. I think that is debate. I do not think that is a point of order. I would like to let that point of order rest there.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I rise on behalf of the member for Kootenay—Columbia. What the member did following question period was accuse the minister of saying something that was improper.

Some hon. members: Oh, oh.

The Speaker: Order, please. I will hear what the hon. opposition House leader has to say.

Mr. Chuck Strahl: When the minister returned to the House and made a statement, she said that she would like to clarify it. In fact, she had not heard the member from Kootenay—Columbia had not phoned her office, he had not contacted her and she called it a clarification. But that was exactly the point the member for Kootenay—Columbia made. He said that he had not phoned her office and the minister knows—

Some hon. members: Oh, oh.

The Speaker: When I ask a member of parliament to withdraw a word is really apart from anything else. It is between myself and the member of parliament. I simply did not want him to use that word. I asked him to withdraw twice. He refused to withdraw the word that he had used and that is why he was expelled.

• (1520)

[*Translation*]

MEMBER FOR TIMISKAMING—COCHRANE

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): Mr. Speaker, on Wednesday, February 9, the member for Timiskaming—Cochrane said during Statements by Members that communities in his riding fully supported the regrettable actions that have taken place in the Department of Human Resources Development.

This member of parliament from Ontario listed messages he had received, including some from the towns of Cochrane, New Liskeard, McGarry, Iroquois Falls, Kirkland Lake and Charlton.

To inform all the members of this House and for reasons of honesty on the part of that member, I am asking the Chair to demand the tabling of the documents that are so complimentary to the member—

Some hon. members: Oh, oh.

The Speaker: This is not a point of order.

[*English*]

COMMENTS DURING QUESTION PERIOD

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, my point of order arises from question period and from what has just transpired.

We would ask once again, as we have made similar requests, that the minister table the document that she referred to today.

Mr. Speaker, as you will know, there were previous occasions where this has happened. The Prime Minister referred to a number of documents last week. The Speaker referred to the citation in Beauchesne's, section 495, which states:

A minister is not at liberty to read or quote from a dispatch or other state paper not before the House without being prepared to lay it on the Table.

Mr. Speaker, with respect, I believe you had reserved judgment and were intending to review *Hansard* to see the specific references that were made by the Right Hon. Prime Minister. We would again request that those documents be laid before the House.

The Speaker: As to the member's second point, I made a decision on that day. I reviewed everything and there was no need to come back to the House.

As to the document that was quoted today, if these were notes that a minister had, then these are not within the purview of what we would ask to be provided.

Is the hon. member for Pictou—Antigonish—Guysborough referring specifically to the letter that the minister was reading?

Mr. Peter MacKay: Mr. Speaker, from my vantage point, the minister read directly from a letter or a memo.

The Speaker: I ask the hon. minister, if she has the letter that she quoted from, will she please table it?

Hon. Jane Stewart: Mr. Speaker, I will be pleased to table it.

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I agree with you 100%. In a civilized world we do not have to use words like lying. I would like clarification from you, Mr. Speaker. Is lying allowed in the House?

• (1525)

The Speaker: We take all hon. members at their word in the House of Commons.

I ruled that this was getting into debate and I ruled the matter was over.

Mr. Chuck Strahl: Mr. Speaker, I am happy to see that we are getting the offer to table some documents. However, my understanding is that the Chair has to ask for unanimous consent for the minister to table a document. I do not believe you asked for that. The reason I suggest that is that there may be a problem of confidentiality between the member—

The Speaker: The hon. opposition House leader will know that when a private member asks to place a document on the table he or she must have unanimous consent. When ministers quote from a document, it is their duty to lay it on the table. This is an official document and it should be tabled.

Government Orders

Mr. Chuck Strahl: Mr. Speaker, if it is the duty of a minister to table a document that has been quoted, why was she asked to table it? Why did she not offer to do it herself?

GOVERNMENT ORDERS

[English]

WAYS AND MEANS

EXCISE TAX ACT

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.) moved that a ways and means motion to amend the Excise Tax Act, a related act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act, laid upon the table on Thursday, December 2, 1999, be concurred in.

• (1530)

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: Call in the members.

• (1615)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 684)

YEAS

Members

Adams
Anderson
Axworthy
Bakopanos

Alcock
Augustine
Baker
Beaumur

Government Orders

Bélaïr	Bélangier
Bellemare	Bennett
Bertrand	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Calder
Cannis	Caplan
Carrroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Saint-Maurice)	Clouthier
Coderre	Collenette
Copps	Cotler
Cullen	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Duhamel
Eggleton	Folco
Fry	Gagliano
Godfrey	Goodale
Graham	Gray (Windsor West)
Grose	Guarnieri
Harb	Hubbard
Ianno	Ifody
Jackson	Jennings
Jordan	Kareta-Lindell
Keys	Kilger (Stormont—Dundas—Charlottenburgh)
Kilgour (Edmonton Southeast)	Knutson
Kraft Sloan	Lastewka
Lee	Leung
Limoges	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Martin (LaSalle—Émard)
Matthews	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
McWhinney	Mifflin
Mills (Broadview—Greenwood)	Minna
Mitchell	Murray
Myers	Nault
Normand	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Peric	Peterson
Pettigrew	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Proud	Proulx
Redman	Reed
Richardson	Robillard
Rock	Saada
Scott (Fredericton)	Serré
Sgro	Speller
St. Denis	St-Julien
Stewart (Brant)	Stewart (Northumberland)
Szabo	Telegdi
Thibeault	Torsney
Ur	Valeri
Vanclief	Volpe
Whelan	Wilfert
Wood—135	

NAYS

Members

Ablonczy	Bachand (Richmond—Arthabaska)
Bailey	Benoit
Bergeron	Bernier (Tobique—Mactaquac)
Bigras	Blaikie
Borotsik	Brien
Brison	Cadman
Cardin	Casey
Chatters	Chrétien (Frontenac—Mégantic)
Debien	Doyle
Dubé (Madawaska—Restigouche)	Earle
Elley	Forseth
Girard-Bujold	Godin (Acadie—Bathurst)
Godin (Châteauguay)	Gouk
Grewal	Grey (Edmonton North)
Gruending	Guay
Hanger	Hardy
Harris	Hart
Herron	Hill (Macleod)

Hill (Prince George—Peace River)	Hilstrom
Jaffer	Johnston
Jones	Keddy (South Shore)
Konrad	Lalonde
Laurin	Lebel
Lefebvre	Lill
Loubier	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Mark
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
McNally	Ménard
Meredith	Mills (Red Deer)
Morrison	Muise
Nystrom	Obhrai
Penson	Picard (Drummond)
Plamondon	Price
Reynolds	Riis
Ritz	Sauvageau
Scott (Skeena)	Solomon
St-Hilaire	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tremblay (Rimouski—Mitis)	Vautour
Vellacott	Venne
Wasylcia-Leis	Wayne
White (North Vancouver)	Williams—84

PAIRED MEMBERS

*Nil/aucun

The Acting Speaker (Mr. McClelland): I declare the motion carried.

INCOME TAX ACT

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.) moved that a ways and means motion to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999, laid upon the table on Tuesday, December 7, 1999, be concurred in.

[Translation]

The Acting Speaker (Mr. McClelland): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say ye.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion, the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): Call in the members.

• (1705)

[*English*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 685*)

YEAS

Members

Adams	Alcock
Anderson	Augustine
Axworthy	Baker
Bakopanos	Beaumier
Bélair	Bélangier
Bellemare	Bennett
Bertrand	Blondin-Andrew
Bonin	Boudria
Bradshaw	Brown
Bryden	Bulte
Calder	Cannis
Caplan	Carroll
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chrétien (Saint-Maurice)
Clouthier	Coderre
Collenette	Copps
Cotler	Cullen
DeVillers	Dhaliwal
Dion	Discepola
Dromisky	Drouin
Duhamel	Eggleton
Folco	Fry
Gagliano	Godfrey
Goodale	Graham
Gray (Windsor West)	Grose
Guarnieri	Harb
Hubbard	Ianno
Iftody	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lee	Leung
Limoges	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Martin (LaSalle—Émard)
Matthews	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
McWhinney	Mifflin
Mills (Broadview—Greenwood)	Minna
Mitchell	Murray
Myers	Nault
Normand	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Peric	Peterson
Pettigrew	Pillitteri
Pratt	Proud
Proulx	Redman
Reed	Richardson
Robillard	Rock
Saada	Scott (Fredericton)
Serré	Sgro
Speller	St. Denis
St-Julien	Stewart (Brant)
Stewart (Northumberland)	Szabo
Telegdi	Thibeault
Torsney	Ur
Valeri	Vanclief
Volpe	Wilfert—130

Government Orders

NAYS

Members

Ablonczy	Bachand (Richmond—Arthabaska)
Benoit	Bergeron
Bernier (Tobique—Mactaquac)	Bigras
Blaikie	Borotsik
Brisson	Cadman
Cardin	Casey
Chatters	Chrétien (Frontenac—Mégantic)
Debien	Doyle
Dubé (Madawaska—Restigouche)	Earle
Elley	Forseth
Girard-Bujold	Godin (Acadie—Bathurst)
Godin (Châteauguay)	Gouk
Grey (Edmonton North)	Gruending
Guay	Hanger
Hardy	Harris
Hart	Herron
Hill (MacLeod)	Hill (Prince George—Peace River)
Hilstrom	Jaffer
Johnston	Keddy (South Shore)
Konrad	Lalonde
Laurin	Lebel
Lill	Loubier
Lowther	MacKay (Pictou—Antigonish—Guysborough)
Mark	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	McNally
Ménard	Meredith
Mills (Red Deer)	Muise
Nystrom	Obhrai
Picard (Drummond)	Plamondon
Price	Reynolds
Riis	Ritz
Robinson	Sauvageau
Scott (Skeena)	Solomon
St-Hilaire	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tremblay (Rimouski—Mitis)	Vautour
Vellacott	Venne
Wasylcia-Leis	Wayne
White (North Vancouver)	Williams—78

PAIRED MEMBERS

*Nil/aucun

The Acting Speaker (Mr. McClelland): I declare the motion carried.

* * *

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, be read the second time and referred to a committee.

[*Translation*]

The Acting Speaker (Mr. McClelland): 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 Saskatoon—Rosetown—Biggar, Agriculture; the hon. member for Acadie-Bathurst, Employment Insurance; the hon. member for Cumberland—Colchester, Airline Industry.

*Government Orders**[English]*

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, it is a pleasure to participate in the debate on Bill C-23, same sex benefits, better known as the bedroom bill because if nothing is happening in the bedroom one does not qualify.

[Translation]

The Right Honourable Pierre Elliott Trudeau, the former Liberal Prime Minister of Canada, said in 1967 that “The state has no business in the bedrooms of the nation”. Unfortunately, the Minister of Justice and her government have decided that it was really necessary to introduce a bill whose purpose goes against that historic statement.

[English]

When the minister introduced the bill on Friday she kept repeating terms like tolerance, inclusion and acceptance. It is too bad the minister and the government do not practise what they preach. The bill is an inappropriate intrusion and in fact is discriminatory. It extends benefits based on sexual activity and excludes all other types of dependency relationships.

This is particularly disturbing at a time when more and more dependency relationships that do not include sexual activity are growing. Here we have the Minister of Justice, representing a party whose mantra was the government has no business in the bedrooms of the nation, introducing a bill that makes private sexual activity the sole criterion for eligibility and benefits.

How times change. We have the government that preaches democracy and inclusion excluding thousands of individuals who are in dependency relationships, thanks to the economic situation caused by this uncaring government.

The bill has one spin and it is based solely on conjugal relationships. It is unfair. Seventy-one per cent of Canadians feel that benefits and obligations should not depend on relationships like spouse but on any relationship of dependency where people are living together, such as elderly siblings living together or a parent and an adult child living together.

- (1710)

I will repeat that for my colleague over there from Vancouver city. Seventy-one per cent of Canadians feel that benefits and obligations should not depend on relationships like spouse but on any relationship of dependency where people are living together, such as elderly siblings living together or a parent and an adult child living together.

Clearly the government is out of step on this issue by basing benefits on private sexual intimacies rather than on cases of

dependency. The Liberals will have to hire sex police to apply the legislation, and will that not be interesting? They may laugh at that right now but we will have sex police, mark my words, before this bill is finished.

I can see a lot of litigation surrounding the bill and, more important for all those Liberal friends over there, a lot of new legal practices in Canada. The government seems to do a lot of drafting of bills and setting things up so that lawyers have more work to do. That is wrong. The bill should not be about lawyers. It should be about people living together and depending on each other. Sex should not be involved in the bill.

On June 8, 1999, parliament passed a motion with 216 in favour and 55 against. The motion called on parliament to take all necessary steps to preserve the definition of marriage as the union of one man and one woman to the exclusion of all others. I was very proud like many of those other hundreds of people here to vote in favour of that bill. One would have thought this bill would have presented the government with an opportunity to enshrine this motion, but not a word.

It seems the Liberals have a problem with the institution of marriage. Simple recognition of this institution would have gone a long way in fostering support for Bill C-23. The bill gives out marriage-like benefits by failing to define marriage. What is the problem with the government? Is it afraid to define marriage?

Let us be honest. We all know why we have the bill before us today. I feel sorry for the legislative drafters at justice. They must have burned a lot of midnight oil over the last week or so in putting the bill together. Imagine the rush they were put to. All this was in an attempt to deflect attention away from the debacle at human resources.

How obvious can one get in one's attempt to salvage the squandering of one billion dollars? I would have thought the spin doctors in the PMO would have come up with something more novel and creative than this. It is an insult to think that one can detract attention away from an issue that has shaken the faith of Canadians in the system, but this government always tries that.

The finance department estimates that 1.6% of couples are gay which would indicate some 140,000 homosexual couples. In preparing this rush job to save its political skin, did the government consult, contact or discuss the situation for others who were in dependency relationships but who were not engaging in sexual activity? In a bill like this one would we not think that would be important? When we are taking a major step, how much time did we take to talk to people who were not engaged in sexual activity? It looks like very little if none.

Canadians have a right to ask why we are moving forward a step at a time. Why are we moving one step? Which couple will be the

first to go to the supreme court and say “We do not have sex but we think we also have rights?” That couple will go to the supreme court and win, and we will be back here drafting more legislation. Why do we not get it right the first time? Let us get it right before we proceed.

Did the government for a moment give that element any thought? The Minister of Justice is a master at consulting for years and years on other issues. On the Young Offenders Act it was years and years. On drunk driving it was years and years. On consecutive sentencing it was years and years. I could go on and on. The minister is an expert at consulting and getting no bills through the House.

What makes this issue any different? The minister got orders from her political masters, the supreme court. If the Liberals had it their way, all legislation would be drafted by the court.

• (1715)

The government loves this judicial activism. If the court says so, we must comply. On the other hand the court has used and abused the charter for its own purposes and with the inertia of the government it is the court making the laws.

With the introduction of the charter to the Canadian constitution, a great departure began from the historic division of responsibilities between parliament and the courts. The consequences of this departure include the replacement of the supremacy of parliament with the supremacy of the constitution as interpreted by judges. Power has been transferred from parliament and legislatures to the courts.

Furthermore, this charter has thrust unelected judges with no direct accountability to the people into the realm of decision making and political activism. I do not think Canadians ever wanted their judges to be involved in political activism. That is what is happening in this country because of the Liberal government and the Tory government before it.

The consequences of this new but improper alignment of the roles of parliament, the administration and the courts have been far reaching and dangerous. Frankly it is time to re-establish several hundred years of constitutional convention whose premise is that parliament makes the laws, the administration administers the laws, and the courts are there to interpret the laws.

We have seen the Prime Minister get up in the House many times when we have talked about the Senate. He has said that we have done things traditionally for a long time and that it was good for this country. He has changed in these areas; he should also change on the Senate.

Any delegation of law making by the executive to the courts by default, which is what the government does, or any proactive

Government Orders

assumption of law making by the courts is a violation of the basic constitutional principle. It needs to be corrected.

The government has given tacit approval to this misalignment of responsibilities by its vagueness in drafting laws and passing the buck to a supreme court only too eager to employ the charter in each and every instance. We have to get away from that.

This parliament has to draft laws that do not need big interpretations and then come back to parliament. We should be doing our job in the House and we should not have to blame any judges. But we are not doing the job in the House. The minister admitted that this morning by saying that this law is not perfect and that we have to look after all these other people. Where is it? It is not in this bill. What is the rush? Let us get it right before we proceed.

By its vagueness in drafting laws and passing the buck to the supreme court, which I mentioned is only too eager to apply the charter in each and every instance, the government provides every opportunity to the court to flex its charter muscle. The government plays cat and mouse with the court, particularly on sensitive national issues and thus encourages and nurtures the role of the court as a law maker rather than an interpreter of the laws. The Reform Party would put an end to this charter madness and judicial activism by way of a three part program.

First, an all party judicial parliamentary committee should be struck to review the fitness of all supreme court nominees. It is time the people had some say, not just the leader of the government. We have a three part plan which makes some sense.

Second, all legislation should be reviewed for its charter compatibility before it becomes law. My colleagues on the Liberal side seem not to understand this. They are not doing their jobs on that side. They are producing laws that are being shot back to us from the supreme court all of the time. They should be ashamed of themselves for making laws that keep on coming back here from the supreme court.

An hon. member: How many sides have you sat on?

Mr. John Reynolds: Madam Speaker, they ask how many sides I have sat on. I have been on one side, the right side, not the left side. I know it really upsets them when we have good ideas. The people sitting on the backbench on that side are not allowed to have any ideas. They have to rubber stamp what comes from the front row.

It was very nice to see my Liberal friend from Scarborough East get up this morning and say that this bill was not a good bill and he could not vote for it. I hope a few others on that side do the same.

• (1720)

Finally, all supreme court decisions should be reviewed to see if they gibe with the intent of the laws passed by this parliament.

Government Orders

I spoke earlier about the rush to get this legislation to parliament. One has to really wonder about the Liberals' sense of priority and condemn their manipulation of the events that take place.

Here we have a country which has been in limbo for over a year on the issue of child pornography. Despite the minister promising to act swiftly and decisively on the issue, we will wait around probably for another six months or more before we have a decision. Where is the justice minister on that issue?

The minister and the government refused all attempts by the opposition to have the notwithstanding clause invoked to reinstate the possession of child pornography as an offence. Sixty-four government members wanted to use that too but they voted against it when the Prime Minister said so. They saw no urgency in protecting our children from pedophiles who perpetrate this perverted behaviour. They ignored a petition with 500,000 signatures calling for reinstatement of the law.

It is amazing how the Liberals jump to attention for other groups. What is more of a priority, same sex benefits or protecting innocent young children? We will see how quickly the minister acts on this issue if the law is struck down by the supreme court. Will it be a priority then? That will be a big issue in the House.

Other criminal justice issues cry out for attention. Surely the conditional sentencing mess requires attention. Surely the issue of drugs in prisons and the proliferation of drug use and its terrible social consequences are very much priority issues.

It took the minister three years before we got her to act on young offenders. It took her three years on young offenders. She can sure study things to death.

Last summer we finally got around to the issue of impaired driving. How many years did that take? We await the finalization of this initiative. It is on the Order Paper, but obviously same sex benefits is more of a priority.

The minister made a big issue about her animal abuse bill last December. It was so important. Where is it now? It got the PR, it got the flack, but where is it now? Same sex legislation took over from that. It was good politics at the time, but it currently is not so important now that certain lobby groups are appeased for the moment.

This opportunism is truly the hallmark of the Liberal government. Everything is put on a back burner so the government can play politics in its feeble attempt to deflect attention from the real issues of the day.

Another bill, proceeds of crime, languishes on the Order Paper. Of all criminal justice issues confronting this nation, the minister drops everything because the supreme court sets the agenda for her.

Organized crime has become the single greatest threat to Canada's sovereignty according to those who fight crime for a living, the policemen. They tell us that organized crime has become the biggest single threat to Canada's sovereignty. What are we doing about it? We passed the motion in the House. I have not seen the other side coming to this side and saying let us get that committee going. Let us get that before the House of Commons. No, no. The House agreed unanimously to look at organized crime. We have done nothing about it since it was passed in the House because it is not a priority of the government.

The breadth and scope of organized crime is immense. It has penetrated any area where there is an illegal dollar to be made. Would the minister consider this a priority? It certainly does not seem so.

Over the weekend Toronto's new chief of police had some advice for the minister and judges on what are the priority issues in Canada. Allow me to elaborate. He said "Kids are vulnerable to sexual predators, pornographers and the dangers of a life of crime". He went on to say that legislators and judges should get a reality check on life itself. This man is the chief of police of the largest city in Canada and knows what he is doing. I will repeat that. He said that the legislators and judges should get a reality check on life itself. Is that not a message that everybody in the House should take seriously? We have to have reality checks and we are not getting them from the other side.

He further indicated on the issue of child pornography and Robin Sharpe that Canada has been made the subject of international scorn and ridicule. To quote the police chief, he said, "I can tell you with a whole lot of shame that even third world countries are more civilized and conscientious about our duty as adults to protect the most vulnerable components of society, our children". The chief of police said that third world countries are better than we are at protecting the vulnerabilities of our children. As I said before, where are the minister's priorities?

Chief Fantino cites drugs, prisons and organized crime as requiring our attention. Chief Fantino says that Canada is known as a country where crime really does pay. Canada, he says, has a reputation as a country that is soft on crime and that those who come here from elsewhere to pursue their criminal activities have little fear.

• (1725)

Is that not scary? Those who come here from other countries to commit crimes have little fear. This is from the man who is leading the police force in the largest city in Canada. I am sure the chiefs of police of Vancouver, Calgary, Edmonton, Regina, Saskatoon, Winnipeg and all across the country would agree with the chief of police of Toronto. He says that it is a scathing indictment on our criminal justice system. This really should give the minister pause and impetus to get down to the real issues.

According to Fantino, south of the border Canada is seen as a sort of strainer leaking from a thousand holes. He asks if it is any wonder that even deported criminals and undesirables keep on coming back. And boy, with our immigration system we let them right back across the border as soon as they come.

Alas, instead of attacking real and substantive issues, the minister plays defence for the Minister of Human Resources Development.

Bill C-23 is a convenient smokescreen to get the government off the hook. Instead of supporting the call for more assistance to police to fight crime, the minister chooses to send the sex police into the bedrooms of the nation. As I said earlier, a former prime minister of this country said that the government has no place in the bedrooms of anyone in this nation. Would he not be ashamed of this government bringing in legislation that gets involved in the bedrooms of the nation? I am sure he is today.

This bedroom bill, and it is a bedroom bill, will not deflect the attention away from the human resources debacle. It is shameful that the government would be so manipulative.

This morning the minister said that if parliament does not settle the issue, the courts will. What kind of leadership is that in a country? If parliament does not settle the issue, the courts will.

We have other dependent relationships and the minister said we will have to look at those. We will look at those and we will start to travel the country. Why did we not do it before we brought this bill in? Why try to be divisive in the country and leave other people outside the fence? We should be united in the country. As a parliament we should be working properly to do everything that is good for all Canadians, not just any special groups in Canada.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise on a point of order. I am not intending to interrupt the flow of debate, but there have been consultations. Following those consultations, I believe you would find unanimous consent in the

Government Orders

House to adopt the following motion dealing with three reports dealing with committee membership.

I move that the 14th report, 15th report and 17th report of the Standing Committee on Procedure and House Affairs presented to the House earlier be concurred in.

The Acting Speaker (Ms. Thibeault): Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Ms. Thibeault): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

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, be read the second time and referred to a committee.

The Acting Speaker (Ms. Thibeault): We will go to questions and comments.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I listened to the hon. member. I understand his position and his point of view and I respect his right to table it. He did say a couple of things I would like to comment on.

• (1730)

First, he made some reference to the need for sex police. With due respect, that is not a fair assessment. In fact under the current income tax laws common law couples declare their relationships within the Income Tax Act. We are on the honour system. The representations of the taxpayers are accepted and there is no checking. It is somewhat ludicrous to suggest that somehow there is going to be any checking of such an activity.

Second, the member spent an awful lot of time talking about how the Supreme Court of Canada forced parliament to do this. I would point out that this parliament, through Bill C-33, amended the human rights act to include sexual orientation as a prohibited grounds for discrimination. The human rights commissioner of the

Government Orders

day said that in implementing that change to the legislation there would be consequences, and these are the consequences that are appearing now. Indeed, parliament is the reason we are here today dealing with Bill C-23.

I would ask the member if he would not agree that anyone in Canada who makes a declaration and who has this dependency relationship is entitled. It has nothing to do with sexuality; it has to do with dependency.

Mr. John Reynolds: Mr. Speaker, I thank the member for Mississauga South for his comments. I would suggest to him that this bill does not mean anybody living together. This bill says conjugal sex. It is involved with such. That is what we are saying is wrong. We are saying that this bill should include everybody who lives together and wants to declare that. We should not be defining it on whether or not they have sex.

How many people who are of a certain age are living together, are married, but are not having sex? If they are going to define sex as the answer for paying this out, it is wrong. We think it is wrong and most Canadians think it is wrong.

The member for Mississauga South also said it was not a police issue. I disagree with him. Does he not have any constituents calling about these new guys that are running our tax system in Canada? They are harassing people all the time. If he thinks they are not going to start harassing people on this issue, he is wrong.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, let us be very clear about what is going on here. This has nothing to do with a concern of the Reform Party about dependency relationships. Common law heterosexual relationships have been recognized in Canada since 1995 and not once has a Reform Party member stood in the House and said "My God, we are going to have to get the sex police out there because these common law couples will abuse the law".

What this is all about is not so thinly veiled homophobia. The fact is that this party does not accept equality for gays and lesbians anyway. The fact is that every single member of the Reform Party who was in the House when it came time to vote on the human rights act amendments for basic equality voted no.

They do not believe in equality and it is a phony, dishonest argument to suggest that there are going to be sex police. They do not care about equality. All they care about is denying equality to gay and lesbian partners.

Mr. John Reynolds: Mr. Speaker, that question was phony and dishonest.

This party believes in equality. This party wants equality for everyone in the country. The member speaks for one group, and I respect that fact. I respect the fact that he speaks for one group.

I do not like the fact that the member will stand to accuse us of being dishonest. My speech was quite open. We are saying that this bill should have been a full bill. The member believes in human rights. Why does he not believe that everybody should have the same rights? That includes other people living in dependent relationships, other than just homosexuals and gays or married people. It should be equal for everybody. We should not be afraid to argue that.

I have made speeches about that for many a year, but you do not listen to speeches. You only like to hear yourself talk. You do not like to—

The Acting Speaker (Mr. McClelland): I would ask members to address each other through the Chair.

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Mr. Speaker, I agree with what the hon. member recently said. I think the point is simple. To date, there has been recognition of conjugal relationships. Those relationships have been marriage and common law relationships for heterosexual persons who have been living together for a year or more.

• (1735)

The supreme court has told us that we have discriminated against other conjugal relationships that are not heterosexual. We are bringing this to a level playing field. It is about fairness. It is about equality. It is about human rights.

Why does the member bring up a red herring about dependent relationships when he knows full well that the minister has said that the issue of other dependent relationships will be brought up in the future, but that it entails federal and provincial jurisdictions and will need a great deal of work? Was the member not listening to the minister when she spoke? Can he answer me that?

Mr. John Reynolds: Mr. Speaker, I would love to answer that question. The minister did say that this morning. She did say that this bill is not complete and that we should be helping people with other dependencies. Our answer from this side of the House is that it should have been done with this bill. Why do we have to wait? Because they have to talk to the provinces? My God, they talk to each other every day at this level. I have been in provincial government and we talked to the federal government.

The member from Vancouver is the one using a red herring because her government has a bill which discriminates.

The member asked me if I listened to the minister. It is this minister who will do nothing about pornography. She has done nothing about drunk driving. She talks and talks about the Young Offenders Act. The government delays bills in the House.

I would be happy to debate with those members the fact that this bill discriminates against people in Canada, and it is not fair to many thousands of Canadians.

Government Orders

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, I listened with some interest to the member opposite. I know he has had a long and I would like to say distinguished career because I understand he was first elected when he was in his twenties. Through opportunities he has made some changes over the years, in terms of to which party he has belonged and such, but I would have thought that given that long career he would have known the kind of process that we in Canada deal with when it comes to governing.

I would have thought, for example, he would know that parliament sets the rules and makes the laws. I would have thought he would know that the role of the civil service is to carry out those laws. I would have thought he would know that the role of the judiciary is to interpret those laws. Yet, again we hear from him, as we often do from Reform members opposite, judiciary bashing.

I spent 10 years on the Waterloo regional police force and as chairman I dealt not only with police, young offenders, pornography, drunk driving and all the things he was talking about, I also interacted with the judiciary. I want to ask the member what purpose he and his party have in repeatedly bashing one of the finest judiciaries in the world? People from around the world look to Canada for—

The Acting Speaker (Mr. McClelland): I am sorry, but I must interrupt, as there is only one minute left.

Mr. John Reynolds: Mr. Speaker, it is very hard to answer a question from somebody who really has the wrong premise.

I have been in politics since I was 30. I have seen how government operates. I have no trouble attacking the judiciary if they are not doing their job properly. That is not shameful. I am doing my job as a member of parliament.

However, I have more fun attacking the Liberals because they make the laws. The member was in the House this morning, but he was obviously not listening when the minister admitted that we have to add these other people. It is only fair that they should be in this bill. Why are they not doing it now?

This government has had lots of time to look at the bill. It has had lots of time to defend these other people who have dependencies. The Liberals can do all the talking and insulting they want, but the fact is that this is a poor bill because it does not represent all Canadians and it should represent all Canadians. That is why we are here.

● (1740)

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, I will be splitting my time with the eloquent member for Mississauga West.

When I rose to make my maiden speech in the House in 1994, I pointed out that my riding contains the largest gay and lesbian population in Canada. They bring a sense of diversity to our city and enrich many areas of our community, including the artistic and cultural life of our city. These citizens, fellow citizens of ours, look to the government to fulfil long unkept promises of many previous governments to ensure that discrimination in their lives and in their employment will cease so that they may play their full role in society. It is their right to live in a world with a level playing field and we owe that to them. That is what I said in my maiden speech.

[*Translation*]

Later that year, on the occasion of World Human Rights Day, I said that, “As Canadians, we can be proud of our contribution to the international community on the issue of human rights and on the development of international standards to which we adhere”.

This said, we must also be ever vigilant that our human rights respect international standards and ensure the right of all Canadians to live free from discrimination in this country.

A recent decision of the United Nations human rights committee ruled that sexual orientation is protected by the equality guarantees of the International Covenant on Civil and Political Rights, a document which Canada helped prepare and which binds us.

Let us, in remembering World Human Rights Day, recognize that it is our duty to ensure that our laws in this country are amended to eliminate all forms of discrimination, including any based on sexual orientation.

[*English*]

Today the House has an opportunity to fulfil that duty and with it to achieve one of the most important tasks for which we are elected: the implementation of laws which guarantee that all our citizens may live in equality and dignity. In so doing we as Canadians know that all of society will benefit as we have so often found in this great country where our tradition of tolerance and acceptance of diversity has enabled us to create a nation which is the envy of the world.

I have news for the member from West Vancouver. This is not a diversionary tactic for my constituents. This is the process of fulfilling long overdue longstanding obligations of the most fundamental kind. This is a priority for real people who are living with real problems. They merit our attention and they do not deserve to be denigrated by the words such as were used by the member who last spoke in the House.

The path to this moment has not been easy. The need to take these steps was recognized by governments long before ours, but I am proud to say our government has had the political courage to

Government Orders

deliver on something that many had recognized was the right thing to do.

I was proud to be part of the government elected in 1993 which recognized the need for these measures and implemented them. We started with Bill C-41, the sentencing act. We then passed Bill C-33 to amend the Canadian Human Rights Act. We then adopted Bill C-78 which extended pension benefits to same sex federal employees.

[*Translation*]

All of this legislation had the support of such associations as the National Association of Women and the Law, the Canadian Bar Association, the Canadian Jewish Congress, B'Nai Brith Canada, the Canadian Foundation of University Women, and the Canadian Association of Statutory Human Rights Agencies, for the very good reason that they represent basic Canadian values.

For a good number of these important institutions, these are important measures, contrary to what the Reform member who has just spoken said.

[*English*]

They also had the support and encouragement of our courts which in a series of charter cases such as Egan, M. and H. and Rosenberg recognized that our charter of rights and freedoms required total equal treatment for gay and lesbian couples. There is no justification in a free and democratic society, to employ the language of the charter, to discriminate against them in the manner in which our laws recognize the rights of those who live in a conjugal relationship and contribute to society together.

● (1745)

Today this measure completes and complements the reasoning of our courts. It enables us as legislators to voice our views on this issue and to complete the work we started when we adopted the landmark changes to our human rights act, changes which foresaw and necessitated the measures being considered by the House today.

I heard what was said by our colleagues opposite about this measure. They spoke about its irrelevancy, its lack of relevance and pertinence to the life that takes place in Canada today; but we already debated the appropriateness of the measures before the House when we debated the changes to the human rights act some years ago. We decided then by a free vote in the House, supported by 75% of the members voting, that the basic values of our Canadian society require that we eliminate all forms of discrimination based on sexual orientation.

At that time we knew our view was shared by the vast majority of the Canadian population, that some 70% of our fellow citizens across the country were in favour of that measure. That was then

and the same 70% is in favour of these measures now for the same reasons.

What does the legislation do? Quite simply, where there is discrimination it eliminates it. It guarantees that throughout our laws there will be equal treatment for all common law relationships in relation to benefits and obligations. As pointed out by the member from Mississauga, this is not a matter that changes anything. This is extending to common law relationships the same rules and regulations. That is the essence of the discrimination that is being eliminated.

It does not go as far as some of my constituents would have liked. For example, there are those who might have wanted to see crafted some form of matrimonial relationship for couples of the same sex; but those who would have preferred that solution know the complexity of this issue as was referred to by my colleague, the minister from Vancouver. This issue requires political co-operation between the provinces as do all matters dealing with marriage.

I am sure they agree with me that what we needed to do today was to address the inequality of treatment in our statutes and to eliminate it wherever it is found. The bill accomplishes that. In so doing we have dealt with such issues as those addressed in Rosenberg. I am sorry my colleague who spoke about the courts and denigrated them earlier is not here to hear what the court in Rosenberg stated:

Differences in cohabitation and gender preferences are a reality to be equitably acknowledged, not an indulgence to be economically penalized. There is less to fear from acknowledging conjugal diversity than from tolerating exclusionary prejudice. As L'Heureux-Dubé J. said in *Canada (Attorney General) v Mossop*. . . "Given the range of human preferences and possibilities, it is not unreasonable to conclude that families may take many forms. It is important to recognize that there are differences which separate as well as commonalities which bind. The differences should not be ignored, but neither should they be used to delegitimize those families that are thought to be different"—

I agree with the formulation of the court and I respect the formulation of the court. I say to members of the House that when our courts speak this way they are speaking forcefully. They are speaking with the voice of the majority of the Canadian population which accepts that we live in a society of tolerance and respect for others, and not with the voice of those who say that we should sweep away the courts which speak for no one, sweep away the Constitution of Canada, get rid of the whole idea of the charter of rights and freedoms which is one of the fundamental notions of what this country is all about, sweep it all away and we will somehow live in a world where we can apply all our discriminatory views and all our worst views of one another and impose them on ourselves and on one another.

We chose to have a charter in this country. We chose to give our courts authority to interpret our laws. I respect the decisions of those courts because I think they have fundamentally followed their requirements under the constitution. I am pleased to say that I think my constituents support the decisions of the courts too. They support this statute because it is important to gay and lesbian

communities that discrimination be eliminated so they can contribute fully to society. It is important to send a signal to everyone that discrimination is not a part of our social fabric. It is also important for society in general.

As I have pointed out on numerous occasions, many institutions in Canada like universities and important companies wish to hire the best people possible. They want the Income Tax Act changed so that they are not discriminated against when they enable their finest employees to work for them in a non-discriminatory manner. This is why these measures have been adopted by many other jurisdictions, provinces and countries.

• (1750)

I will complete my speech by saying I am proud to speak in favour of this measure. I am proud of my fellow members from all parties who support it. I am proud of our government and I am particularly proud of the many Canadians who have forced this on the House and whose indefatigable work in favour of justice and equity brought us to this historic moment in our life as a modern, diverse and equitable society.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, the member opposite gave an impassioned speech, particularly near the end. I would like to get some clarity from him because I think Bill C-23 lacks much clarity and that is what is causing some of the confusion.

When we read the bill the sole criterion for extending to same sex couples access to every benefit that we have previously given to married couples and families is a term referred to as conjugality. There needs to be a requirement of a conjugal relationship.

We have heard some pros and cons. The member is on the government side. Would he say if there were no sexual relations between two people that they would still qualify for the full suite of benefits offered under Bill C-23? Some are arguing that they would or would not. I would suggest that if they would not qualify then the very thing he is concerned about, discrimination, is a key factor in the bill.

Mr. Bill Graham: Mr. Speaker, it is unfortunate the member has insisted on the term clarity in the House at this time. It perhaps might evoke reaction from other parties of the House that have trouble with that concept, but I will leave that aside.

The member is obscuring something here. This is not that complicated. The member knows, as does everyone who knows anything about the way in which society has evolved recently, that at one time the only way in which one got benefits under pensions or many other statutes was if one were married. We moved away from that concept to one where we recognized common law relationships. This was in the law of the provinces. It was recognized that men and women could live together in a relationship that was not blessed by holy matrimony.

Government Orders

All the bill does is assimilate relationships between people who are living together in similar circumstances to that of a heterosexual common law relationship and same sex couples who are living in the same relationship. That is all it does.

The whole business of sex police and everything is some sort of myth. Are there sex police going around now knocking on the doors of heterosexual couples and asking "Are you really sleeping together? You made a declaration that you are common law".

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, what the hon. member opposite just said prompts me to ask a question which has bothered me as I listened to everyone talk.

I am a married man. Therefore my marriage is registered. I wonder if with CPP, Revenue Canada, life insurance, accident insurance and spousal benefits it is not absolutely imperative that these these relationships will have to be registered relationships.

It is inconceivable to me that one could change partners without deregulating it somehow in the same way as if I divorced my wife. None of that is in the act. If we do not have this term in the act, who will register these people? Will it be the provinces? Who will do it? It is not in the act. Unless we have some kind of registry this whole thing will be awry all over the country.

Mr. Svend J. Robinson: Has the member ever heard of a common law relationship?

Mr. Bill Graham: Mr. Speaker, somehow we are getting the debate going over there.

The Acting Speaker (Mr. McClelland): Let us give the member for Toronto Centre—Rosedale a chance to answer the question, shall we?

Mr. Bill Graham: Mr. Speaker, they can duke it out over there if they want to. It is kind of fun.

The member from Burnaby put his finger on it. The problem existed in the country that there were many heterosexual people who were living in relationships that were not protected by the law. They were not married and the courts and we as legislators both in the provinces and the federal government said this was not fair. Women were being discriminated against. We assimilated a common law relationship to that of a matrimonial relationship.

• (1755)

I am a married person in the province of Ontario. The whole of the Family Law Reform Act was introduced after my wife and I had been married for 20 years. It completely changed the nature of family law as it applied to us as couples, our children and

Government Orders

everything else. That is what we did in our society. All this is doing is moving couples of the same sex into the exact same category.

What they want to do is turn back the clock. They want to say that we cannot have any common law relationship because they are not registered. They have the same problem that the member raises.

If it is not a problem for common law relations, it cannot be a problem for the bill. If it is a problem for the bill then it is a problem for common law relationships. I suggest that the member and his party go to the Canadian public and say that they intend to turn back the clock 25 years and get rid of all forms of common law relationships.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I understand that some hon. members have been doing some homework and research. I admit this issue has followed me around somewhat in my political career. I never saw more acrimony and concern than when I sat in opposition in the province of Ontario when Bob Rae and the New Democrats brought in a bill. It was almost violent. The legislature was taken over by a mob. It could be described as nothing else. The majority of members of the provincial Liberal Party voted against the NDP legislation.

Let me explain that I too voted against it at that time because nobody should either receive rights or lose rights based on their sexual preference. It is very important that we quote both. I could not accept the changing of the definition of marriage, which is what Bob Rae and his government put forward. The bill does not do that. That is the fundamental difference.

I am going to come out of the closet and tell you, Mr. Speaker, that I am hopelessly heterosexual. My wife would tell you that the operative word is hopelessly, but I do not think that has a darn thing to do with any of this. It should not matter or enter into the debate.

In my view what we are seeing is hopeless homophobia on the part of certain members who are colouring their positions or changing them. They are totally off base and off issue. They do not want to come right out and say that they are against the bill because they are against homosexuality and gays and lesbians. In my view that is position of many of the speakers, not all to be fair, who put forward arguments on behalf of the Reform Party.

We have heard comments about the Toronto police chief making speeches to the Conservative caucus that met in Niagara Falls. Interestingly enough it was the same Conservative caucus and Conservative government in the province of Ontario that are held up as the great example of how to run a government. This is the same government, Mike Harris and his people, that passed an omnibus bill which does exactly what this bill would do. It passed it in 24 hours with no debate. It brought in what these people always cry about, closure. It brought down the hammer and adopted legislation to ensure that amendments take place that will bring justice and fairness to all Canadians.

Can we ever satisfy those who are homophobic? Can we ever satisfy those who call us? I had a call the other day from someone who introduced himself to me as a reverend. I will not mention his name. He was a part time evangelical minister and I wish him well in his endeavours. He has made up his mind. He believes that only God can make this decision. He uses words like sodomy and says that the whole act of homosexuality is unnatural. He goes on and on. There is no possible way that I could ever explain any of the details in the bill to that individual.

• (1800)

Just about every day we see someone outside this building who has that same attitude. Is there any point trying to put across the fact that there is a certain group of Canadians who are clearly being discriminated against for a reason that is irrelevant to the issues of benefits and obligations: their sexual preference. I do not care what it is.

I agree that we do not need to be in the bedrooms of the nation. This idea of a sex police is just laughable. Earlier today I heard one speaker in this place say that people would take advantage, that people would claim they were living in a conjugal relationship so that they could access some form of benefit. When I thought about that I said that it was preposterous.

Does anyone here know any heterosexual male who would stand up in public or in front of his family and claim to be gay so that he could access a dental plan? Are we serious about this? Would he then go on to explain to his buddies in the hockey dressing room and to his mom and dad that he really is not gay, he just had a cavity? I use the example perhaps in the extreme, but it is such utter nonsense to think that someone would claim to be gay just to access some form of benefits. If a person is heterosexual, the last thing in the world he wants is to be accused of is being gay for any reason. It is just not reality.

What does the bill do? The members opposite talk about what the judiciary is doing in terms of making laws. That is absolute nonsense. I heard the member for Vancouver West stand in his place and say that parliament makes the laws, the government enforces the laws and the courts interpret the laws. That is exactly right. Would we want it any other way? Would we want the courts not to have the ability to interpret the laws?

What saves this vote for me and what makes it so fundamentally different from the one in the province of Ontario that took place under the leadership of Premier Bob Ray is the fact that the definition of marriage has not been touched.

My colleague for Scarborough East, for whom I have a lot of respect, said that it should be put in a statute. Why? Why should it not remain where it has always been? It is in common law.

I want to share something that reinforces this fact. In one of her speeches, I believe on June 8, the minister said:

Government Orders

The Ontario court, general division recently upheld in Layland and Beaulne the definition of marriage. In that decision a majority of the court stated the following:

—unions of persons of the same sex are not “marriages”, because of the definition of marriage. The applicants are, in effect, seeking to use s.15 of the Charter to bring about a change in the definition of marriage. I do not think the Charter has that effect.

The court said that this was fundamentally important for all Canadians who are concerned about the deprivation of the institution of marriage or concerned that somehow the hordes of homosexuals, as a result of getting access to justice and to benefits, were going to somehow infiltrate all of our institutions and our schools and poison our minds.

We liked that decision by the court. Maybe there are some other interpretations or decisions that we do not particularly like, but the courts are not there to please us. The courts are there to interpret the laws that are put forward by the duly elected parliamentarians. They have a responsibility that is different from ours. Because we like the one that says that this is the definition and therefore the sanctity of marriage, but we do not like another one, we get in a dither and say “We should invoke the notwithstanding clause”. The reality is that we do have a judicial system that has its warts, but it is a system that is free and independent. We do not elect judges like the Reform Party would likely do if it was given the opportunity, or as they do in the United States where Boss Hog rules the day. We do not subject the public to making decisions like that.

● (1805)

Members of our judiciary are appointed through a system. They are educated. They learn the system. By and large, the Supreme Court of Canada is one of the most outstanding institutions in the world.

From time to time there will be provincial supreme courts and others that will issue decisions with which we will disagree. Child pornography is one, and we, the government, are at the supreme court fighting that decision. I want to hear what the members say if the supreme court rules against the court decision in B.C.

This is homophobia. This is nonsense. The bill should be passed to provide fairness and equity for all Canadians.

Hon. Don Boudria: Mr. Speaker, I rise on a point of order. I want to offer the following motion to see if there would be consent:

That the House continue to sit until 8 p.m. this day to consider Bill C-23 and that after 6.30 p.m. the Chair shall not receive any dilatory motions, quorum calls or requests for unanimous consent.

This would allow other members to speak in this debate. This would not end the debate.

The Acting Speaker (Mr. McClelland): The government House leader has asked for unanimous consent to move a motion. Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I want to ask the member a very different question from what his speech was all about, which was just a bunch of rhetoric about homophobia. I am tired of hearing about that. My question deals with the justice department, which has brought forward this legislation.

When the polls announced what issues concerned Canadians across the country, more than anything else, the issue contained in this particular bill appeared in the 1% to 2% range, while other major issues, such as high taxes and justice in general, were quite high.

Could the member explain why we waited six years to deal with the young offenders legislation, which has not done a thing? Why are we allowing 11, 12 and 13 year old children to be exploited by pimps on the streets of our cities and we are not doing anything about it? Why have we not brought in legislation to deal with gangs that are exploiting our youth all across the country and violence is getting out of hand?.

Why in the world do we deal so vehemently with legislation that apparently the public is not really interested in when they are really concerned about these—

The Acting Speaker (Mr. McClelland): The member for Mississauga West.

Mr. Steve Mahoney: Mr. Speaker, some of the issues the Reform Party raises are legitimate issues and some, frankly, are fearmongering.

When I heard the Toronto chief of police stand up at that convention and say what he said, I wondered if there was any chance that he was lobbying for an increase in the upcoming budget that he might have to fight for from the Toronto city council.

When people say we are a haven, I do not think most Canadians believe that.

● (1810)

The facts are that there are some problems with youth justice in this country. The member knows full well that we have made changes. We have lowered the age. We have allowed for youth who are accused of violent crimes to be tried in adult court. We are allowing for their names to be—

The Acting Speaker (Mr. McClelland): Okay, we are going to get to Burnaby—Douglas then we will get to Cypress Hills—Grasslands. Keep them short please.

Government Orders

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question will be very brief.

I appreciate the support of the hon. member for this legislation, but I did want to give him the opportunity to set the record straight with respect to one comment that he made. That is with respect to the issue of Bill 167 in Ontario.

I have a copy of that bill. Surely the member will recognize that nowhere in that bill, nowhere, was there any reference to the definition of marriage whatsoever. I have the bill here. The Liberal Party in Ontario did oppose that legislation. It later flip-flopped. It has been back and forth but I think it supports it now.

I challenge the hon. member. Does he not acknowledge that nowhere in that bill, not one line, was there any reference whatsoever to marriage?

The Acting Speaker (Mr. McClelland): Very quickly, we are going to be relevant. We are on Bill C-23.

Mr. Steve Mahoney: Yes, Mr. Speaker, we should stick to this bill.

I would just say to the member that he did not see the regulations that we saw which would have made the changes. That member knows with his experience that not all the changes have to appear in that regard.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I am rather surprised that nobody on the other side has been willing to admit or has even drawn the House's attention to the fact that this rather incomplete bill has been brought forward primarily in a pathetic attempt to draw the attention of opposition members and the press away from the scandal in the Department of Human Resources Development. It is pretty easy to see.

I am also a little surprised in that I noticed the member seems to agree with Pierre Elliott Trudeau that the state has no business in the bedrooms of the nation, but most of the people who have spoken over there most emphatically seem to believe that the state should be in the bedrooms of the nation. I would rather subscribe to the notions of Mrs. Patrick Campbell when she said, "I do not really care what people do as long as they do not do it in the street and frighten the horses".

Mr. Steve Mahoney: Well, thank the Lord that in Mississauga the horses are not in the street, at least not at the moment.

Mr. Speaker, you might be interested to know that the city of Mississauga has made changes to all of their laws to allow for same sex benefits for same sex couples, as has Victoria, Burnaby, Edmonton, Regina, Winnipeg, Barrie, Kanata, Montreal, Ottawa, Kingston, Toronto and Halifax. The provinces of Quebec, B.C. and

Ontario have done so, as have the companies of Canada Post, Bell, IBM, Canadian Airlines, Air Canada, Bank of Montreal, TD Bank, General Motors, General Electric, and the list goes on. They are ahead of the government on this. It is time we brought all of our laws into line with what most Canadians believe is fair.

[Translation]

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, I am pleased today to speak to Bill C-23, an act to modernize the Statutes of Canada in relation to benefits and obligations.

This morning, the member for Hochelaga—Maisonneuve participated very intensively in the debate, giving it more than his all. We know how involved our colleague is with respect to the recognition of same sex spouses, and I believe that the member for Hochelaga—Maisonneuve has succeeded not only in stating the Bloc Québécois position on this issue, but also very certainly in influencing the positions of certain other parties in the House.

This 166 page document, which I recently examined, is an important bill, as all omnibus bills are, let there be no mistake.

• (1815)

It is a bill that has a major impact, because it amends 68 federal statutes to include same sex spouse in the definition of common law partner.

The importance of this bill becomes evident when we look at the number of ministers sponsoring it. I looked into this and identified five such ministers, from the Department of Human Resources Development, to the Department of Finance, Treasury Board's human resources directorate, the Department of Justice and the Department of Citizenship and Immigration.

These are major changes involving over 20 departments and agencies. Basically, this bill has one purpose: to restore equity. This equity will make it possible to modernize certain regimes by introducing equality in the law for common law couples but also for same sex or opposite sex couples, in accordance with a May 1999 supreme court decision.

I will take a few moments to review this important decision pronounced on May 22, 1999. This lengthy decision boils down to this: A couple is a couple, regardless of sexual orientation.

In addition, it strikes down a section of the Ontario Family Law Act which makes a distinction between heterosexual couples and homosexual couples with respect to the entitlement to maintenance upon the break-up of a union, whether it be a marriage or a common law relationship.

The immediate consequence of this judgment was that it rendered that section of the act inoperative in Ontario. In fact, this supreme court decision marked the end of the legal debate. From

that moment on a new debate ensued, one which became political, parliamentary, and inevitably involved the day to day administration of the government.

The government therefore had no choice but to come up with Bill C-23 in order to comply with the May 22, 1999 decision.

I will give a chronology of the events of the various changes that have occurred, as well as of the facts. It is important to point out that, as far back as 1977, the Government of Quebec was the first to ban discrimination on the basis of sexual orientation.

As far back as 1979, the Canadian Human Rights Commission recommended that the Canadian Human Rights Act be amended to include sexual orientation. This recommendation is contained in each of the commission's annual reports, up to and including 1995.

Another date that must be recalled is 1982, when the Canadian Charter of Rights and Freedoms was incorporated into the Canadian constitution.

In 1985, section 15 of the charter came into effect, the section on the right to equality. The report by the parliamentary Sub-committee on Equality Rights, "Equality for All", called for the banning of all discrimination based on sexual orientation by the Canadian Human Rights Act.

In 1992, the Ontario appeal court found that the Canadian Human Rights Act needed to be interpreted as forbidding discrimination on the basis of sexual orientation. As well, during the same year the Canadian Forces announced that they were terminating the restrictions on enlistment and promotion on grounds of sexual orientation.

• (1820)

Bills S-15 and C-108, whose aim was to add sexual orientation to the Canadian Human Rights Act, were introduced in the Senate and the House of Commons respectively. They both died on the order paper in September 1993.

In 1993, the Supreme Court of Canada rejected the allegation that "family situation" included same sex couples. In 1994, the Government of Ontario introduced Bill 167, which was intended to expand the definition of conjugal relations in Ontario legislation to include homosexual couples. It was rejected at second reading by a vote of 68 to 59.

In 1995, the Supreme Court of Canada gave its first decision under the terms of section 15 of the charter on sexual orientation and the awarding of benefits to same sex spouses. The nine members of the court decided that sexual orientation is an analogous ground for the purposes of section 15, and a majority of the justices decided that the definition of spouse in the Old Age Security Act as a person of the opposite sex contravened section 15. However, a majority felt that the contravention was justified under section 1 of the charter.

Government Orders

I will also point out, as I mentioned in the first part of my remarks, that on May 20, 1999, in an eight to one decision, the Supreme Court of Canada stated that the definition of spouse as in part III of the Ontario Family Law Act, which prevented same sex partners from seeking support at the breakup of a relationship, contravened section 15 of the charter and was unjustified under section 1. The court ordered this provision repealed, but suspended reparations for six months to enable the legislators in Ontario to correct the contravention of the charter.

The Acting Speaker (Mr. McClelland): I am sorry to interrupt the hon. member for Rosemont. I would like to know whether the member intends to share the time allotted him.

Mr. Bernard Bigras: No, Mr. Speaker.

The Acting Speaker (Mr. McClelland): You therefore have 11 minutes left.

Mr. Bernard Bigras: Mr. Speaker, I had not indicated when I began that I would be sharing my time, because I intended to use my full allotted time, that is, 20 minutes.

On May 25, the House of Commons passed Bill C-78. This important pension reform bill included amendments to replace the provisions authorizing the payment of survivor benefits to unmarried opposite sex spouses with provisions authorizing the payment of benefits to spouses without distinction as to sex. Bill C-78 is the first federal statute to explicitly provide for benefits to same sex spouses.

On June 10, Quebec's national assembly unanimously passed a bill to amend various legislative provisions concerning common law couples. This omnibus bill amended the definition of common law spouse in 28 statutes and 11 regulations so as to include homosexual couples, giving them the same status, rights and obligations as unmarried heterosexual couples.

The amended legislation has to do primarily with compensation for accidents in the workplace, health and security in the workplace, labour standards, pension benefits, public sector pension plans and social assistance.

In October, Ontario passed an omnibus bill amending 67 statutes to bring them into line with the decision of the Supreme Court of Canada.

Clearly, the government had to follow suit. Unfortunately, the government has once again waited for certain decisions of the courts, including, of course, the supreme court, before introducing this omnibus bill, which will amend a certain number of statutes.

• (1825)

It is also important to point out that the proposed amendments do not all go one way. In effect, they offer new benefits to same sex couples, but they also impose new obligations.

Adjournment Debate

The proposed legislative amendments will preserve the fundamental importance of marriage in our society, in that the definition of marriage will remain unchanged. I mention this to reassure those Liberal members or members of the opposition who are rather conservative, and we know a number of them.

The fact that members of homosexual couples have been denied spousal allowances has generated criticism, as we are well aware, but this criticism was often basically a matter of principle. Gay rights advocates argue that homosexual couples who pay taxes are unfairly denied social benefits and do not receive anything in return for their direct contribution to certain plans, and that they in fact fund the plans of heterosexual couples.

Others contend that the state should continue to not recognize homosexual couples, because granting rights to these couples threatens family values. Also, some gay and lesbian couples refuse to accept the legal obligations and benefits that result from this situation.

The public also expressed its opinion on the issue on a number of occasions. Several public opinion polls were conducted and the results were released. I should point out that the Angus Reid poll conducted for the Department of Justice in the fall of 1998 clearly shows that this bill reflects the will of Canadians.

Indeed, according to that poll, 74% of the respondents agreed with granting federal benefits to gay couples, while 67% felt that same sex couples should get the same benefits and face the same obligations as common law couples. Moreover, 84% of the respondents felt that gays and lesbians should be protected from discrimination. Finally, 59% were of the opinion that homosexual couples should be included in the definition of spouse.

As members can see, we have a number of elements, but several arguments show that Canada is lagging behind on this issue. If we consider, among other things, the omnibus bill introduced by the Quebec government, the ruling issued by the supreme court on May 22, and the action taken by the Ontario government on this issue, it is clear that the changes proposed in Bill C-23, which, as I said before, will impact on 68 federal acts, are necessary.

I will be very pleased to support this bill.

ADJOURNMENT PROCEEDINGS

• (1830)

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

AGRICULTURE

Mr. Dennis Gruending (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, I rise this evening to talk about the World Trade Organization, agriculture and the plight of our farmers.

The World Trade Organization talks broke down in Seattle last year and it is a good thing they did. This hiatus gives us some time to reflect upon the Liberal government's blind pursuit of a trade agenda that has been destructive to our farmers. They are hostages of the government's cult-like adherence to the ideology of free trade at any cost.

It is true the government's friends at the Business Council on National Issues repeat the mantra with zeal "free trade, free trade, free trade" and our so-called national newspapers sing the same hymn "globalize, globalize, globalize". Our trade minister, our agriculture minister, our Prime Minister are all choirboys in the same chorus.

People in my part of the country are asking interesting questions. They are saying that if this free trade is such a wonderful thing, then why are we, the grain farmers, in such dire straits today?

Agriculture exports have increased by 65% over the past five years and farm receipts have increased by more than 43% over the last 10 years. Why is it in these circumstances that farmers' net income has actually dropped by 11%? Why are the very people whose hard work provides the statistics the government uses to promote its trade agenda losing their farms?

During the Christmas break I visited some of the farm communities in my riding. I was told that one small community had lost four families since last fall and the prediction was that it would lose at least that many again before spring seeding. I have spoken with farmers, with their family members, with regional municipality councillors and reeves. Believe me, there is a very crucial need for some support and reinvestment in rural Canada, especially in western Canada.

It is time for the government to come out of its trance and to realize that farmers in western Canada are paying the price for a warped trade agenda. They are paying with their farms, with the break-up of their families and some tragically with their lives as they are unable to bear the stress any longer.

Canadian farmers, in particular those who grow grains, are facing the worst situation since the Great Depression. The government's own income statistics and forecasts tell us that the next five years will not be any easier for the thousands of families that put bread on our tables. For farmers in my province of Saskatchewan the news is grim. Incomes for 2001, 2002 and 2003 will be below zero in the negative range.

Adjournment Debate

If the Seattle talks had gone as the faceless WTO bureaucrats had wanted, our farmers would have been even more vulnerable to the cold winds of international trade. Since 1993 our federal government has cut its support for grain farmers by 60% all in the name of liberalized trade.

My colleagues in the New Democratic Party and I have been calling for the government to set aside \$1 billion from the \$100 billion forecast surplus for the next five years, a mere 1% of that, to pay for some support to farm families who need it terribly badly.

Canadian farmers represent a mere 3% of our population. Through their hard work they support about 14% of our jobs and one-quarter of our trade surplus, but they are asking why they do not benefit from it. We are saying that it is the government's responsibility to see that they do benefit from it rather than being left to twist in the wind.

Mr. Brent St. Denis (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I welcome the member to the House. We congratulate him on his byelection win in Saskatoon—Rosetown—Biggar.

I will deal with the points he has raised and the general and severe challenges being faced by the farm sector.

• (1835)

The Minister of Agriculture and Agri-Food Canada and the government clearly recognize the very serious nature of the financial situation many Canadian farmers are currently facing. Our government is taking the broadest possible approach to this situation.

The WTO agriculture negotiations are an important opportunity to seek greater disciplines in the use of production and trade

distorting subsidies. Canada's initial position in these trade negotiations, which was developed through two years of extensive consultations with Canadians, makes it clear that we will seek the complete elimination of agricultural export subsidies and maximum reductions in production and trade distorting domestic support programs, including an overall limit of all sorts and all types of domestic support programs.

The close co-operation between the government and the Canadian agriculture and agri-food industry that characterizes the development of Canada's initial agriculture negotiating position was also fully present at the Seattle WTO ministerial conference held at the beginning of December 1999. The continuation of this team Canada approach as the negotiations progress will ensure that Canada will achieve the very best results possible for farmers right across Canada. While I recognize that the negotiations will take time and they likely cannot make the situation better in the next year or two, they are the only way to solve the problem of subsidies distorting agricultural markets once and for all.

In response to an industry request on January 13 of this year, the Government of Canada made a new commitment of up to \$1 billion for the next two years to design a new disaster program to assist those producers most in need. Also a new spring advance payment program will provide assistance quickly before spring crops are planted. Individual farmers will be able to access up to \$20,000 in interest free loans to help get their crops in the ground. Applications should be available in the coming weeks.

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.37 p.m.)

CONTENTS

Tuesday, February 15, 2000

Points of Order

Dress Code—Speaker’s Ruling	
The Speaker	3527
Tabling of Documents	
Mr. Bergeron	3527
Mr. Lee	3527

Privilege

Bill C–23	
Mr. Lowther	3527
Mr. Strahl	3528
Mr. Lee	3528
Ms. Meredith	3529
Mr. Lowther	3529
The Acting Speaker (Ms. Thibeault)	3529

Point of Order

Tabling of documents	
Mr. Loubier	3529
Mrs. Venne	3529
Mr. Laurin	3530
Mr. Canuel	3530
Mrs. Guay	3530
Mrs. Picard	3530
Mrs. Gagnon	3530
Mr. Chrétien (Frontenac—Mégantic)	3530
Mr. Guimond	3530
Mrs. Debien	3531
Mr. Asselin	3531
Mr. Bigras	3531
Mr. Godin (Châteauguay)	3531
Mr. Dubé (Lévis—et—Chutes—de—la—Chaudière)	3531
Mr. Marchand	3531
Mr. Dumas	3531
Mr. Mercier	3532
Mr. Lebel	3532
Ms. St—Hilaire	3532
Mr. Perron	3532
Mr. Desrochers	3532
Ms. Alarie	3532
Mr. Fournier	3532
Mr. Cardin	3533
Mr. Crête	3533

ROUTINE PROCEEDINGS

Government Response to Petitions	
Mr. Lee	3533
Interparliamentary Delegations	
Mrs. Debien	3533
Committees of the House	
Procedure and House Affairs	
Mr. Lee	3533
Samuel de Champlain Day Act	
Bill C–428. Introduction and first reading	3533
Mr. Thompson (New Brunswick Southwest)	3533
(Motions deemed adopted, bill read the first time and printed)	3533

Petitions

Child Pornography	
Mr. Schmidt	3534
National Highways	
Mr. Schmidt	3534
Child Pornography	
Mr. Schmidt	3534
Charter of Rights and Freedoms	
Mr. Jackson	3534
Genetically Modified Foods	
Mr. Jackson	3534
Child Poverty	
Mr. Jackson	3534
Mr. Earle	3534
Mr. Adams	3534
Kidney Disease	
Mr. Adams	3534
Transgenic Foods	
Mr. Laurin	3535
Child Pornography	
Mr. Thompson (Wild Rose)	3535
Nuclear Weapons	
Mr. Robinson	3535
Child Poverty	
Mr. Harb	3535
Bill C–20	
Mr. Canuel	3535
Canada Post Corporation	
Mr. Price	3535
Child Pornography	
Mr. Reynolds	3535
Rural Route Couriers	
Mr. Reynolds	3535
Child Poverty	
Mr. Proctor	3535
Transgenic Foods	
Mr. Perron	3536
Mr. Godin (Châteauguay)	3536
Rail Transportation	
Mrs. Picard	3536
Transgenic Foods	
Mr. Chrétien (Frontenac—Mégantic)	3536

Questions on the Order Paper

Mr. Lee	3536
---------------	------

Starred Questions

Mr. Lee	3537
---------------	------

Questions Passed as Orders for Returns

Mr. Lee	3537
---------------	------

GOVERNMENT ORDERS

Modernization of Benefits and Obligations Act	
Bill C–23. Second reading	3537
Ms. McLellan	3537
Ms. Catterall	3539
Mr. Lowther	3539
Mr. Morrison	3540

Mr. Lowther	3540
Mr. Lowther	3543
Mr. Ménard	3544
Mr. McNally	3547
Mr. Ménard	3548
Mr. Robinson	3549
Mr. Robinson	3552
Mr. Martin (Winnipeg Centre)	3552
Mr. Robinson	3552
Mr. Lowther	3553
Mr. Robinson	3553
Ms. Hardy	3553
Mr. Robinson	3553
Mr. Harris	3554
Mr. Robinson	3554
Mr. MacKay	3554
Mr. McKay	3557
Mr. MacKay	3557
Mr. Lowther	3557
Mr. MacKay	3557
Mr. Lowther	3558
Mr. MacKay	3558
Ms. Bulte	3558
Mr. McKay	3560
Mr. Lowther	3561
Mr. McKay	3561
Mr. Reynolds	3561
Mr. McKay	3562

STATEMENTS BY MEMBERS

National Flag of Canada Day	
Mr. Malhi	3562
Hepatitis C	
Mr. Hill (Macleod)	3562
Agriculture	
Mr. Borotsik	3562
Imperial Order of the Daughters of the Empire	
Ms. Carroll	3562
Suicide Prevention	
Mr. Patry	3563
Agriculture	
Mr. Vellacott	3563
Agriculture	
Mr. Gruending	3563
Liberal Government	
Mr. Paradis	3563
Human Resources Development Canada	
Mr. de Savoye	3564
National Flag of Canada Day	
Mrs. Redman	3564
Black History Month	
Mrs. Jennings	3564
National Flag of Canada Day	
Mr. Konrad	3564
Emery Collegiate Institute	
Ms. Sgro	3565

Bill C-20	
Ms. Girard-Bujold	3565
Atlantic Canada Craft Awards	
Mr. Scott (Fredericton)	3565
National Flag Day	
Ms. Bakopanos	3565

ORAL QUESTION PERIOD

Human Resources Development	
Mrs. Ablonczy	3566
Mrs. Stewart (Brant)	3566
Mrs. Ablonczy	3566
Mrs. Stewart (Brant)	3566
Mrs. Ablonczy	3566
Mrs. Stewart (Brant)	3566
Mr. Strahl	3566
Mrs. Stewart (Brant)	3566
Mr. Strahl	3567
Mrs. Stewart (Brant)	3567
Bill C-20	
Mr. Duceppe	3567
Mr. Chrétien (Saint-Maurice)	3567
Mr. Duceppe	3567
Mr. Chrétien (Saint-Maurice)	3567
Mr. Bergeron	3567
Mr. Boudria	3568
Mr. Bergeron	3568
Mr. Boudria	3568
Newspapers	
Mr. Blaikie	3568
Mr. Chrétien (Saint-Maurice)	3568
Mr. Blaikie	3568
Mr. Chrétien (Saint-Maurice)	3568
Human Resources Development	
Mr. MacKay	3568
Mrs. Stewart (Brant)	3569
Mr. MacKay	3569
Mrs. Stewart (Brant)	3569
Ms. Meredith	3569
Mrs. Stewart (Brant)	3569
Ms. Meredith	3569
Mrs. Stewart (Brant)	3569
Mr. Crête	3569
Mr. Chrétien (Saint-Maurice)	3569
Mr. Crête	3569
Mrs. Stewart (Brant)	3569
Mr. McNally	3570
Mrs. Stewart (Brant)	3570
Mr. McNally	3570
Mr. Chrétien (Saint-Maurice)	3570
Mrs. Gagnon	3570
Mrs. Stewart (Brant)	3570
Mrs. Gagnon	3570
Mrs. Stewart (Brant)	3570
Mr. Penson	3571
Mrs. Stewart (Brant)	3571
Mr. Penson	3571
Mr. Penson	3571
Mrs. Stewart (Brant)	3571
Mr. Guimond	3571
Mr. Chrétien (Saint-Maurice)	3571

National Flag of Canada Day	
Mr. Jordan	3571
Mr. Chrétien (Saint-Maurice)	3572

Human Resources Development	
Miss Grey	3572
Miss Grey	3572
Mrs. Stewart (Brant)	3572
Mr. Godin (Acadie—Bathurst)	3572
Mrs. Stewart (Brant)	3573

Agriculture	
Mr. Proctor	3573
Mr. Eggleton	3573

Human Resources Development	
Mr. Dubé (Madawaska—Restigouche)	3573
Mrs. Stewart (Brant)	3573
Mr. Dubé (Madawaska—Restigouche)	3573
Mrs. Stewart (Brant)	3573

Presence in Gallery	
The Speaker	3573

Points of Order	
Comments during question period	
Mr. Abbott	3573

Naming of Member	
The Speaker	3573
Mr. Elley	3574
Mrs. Stewart (Brant)	3574
Mr. Strahl	3574

Member for Timiskaming—Cochrane	
Mr. Chrétien (Frontenac—Mégantic)	3574

Comments during Question Period	
Mr. MacKay	3574
Mr. MacKay	3575
Mrs. Stewart (Brant)	3575
Mr. Grewal	3575
Mr. Strahl	3575

GOVERNMENT ORDERS

Ways and Means	
Excise Tax Act	
Motion for concurrence	3575
Mr. Peterson	3575
Motion agreed to	3576
Income Tax Act	
Motion for concurrence	3576

Mr. Peterson	3576
Motion agreed to	3577

Modernization of Benefits and Obligations Act	
Bill C-23. Second reading	3577
Mr. Reynolds	3578
Mr. Reynolds	3579

ROUTINE PROCEEDINGS

Committees of the House	
Procedure and House Affairs	
Motion for concurrence	3581
Mr. Lee	3581
(Motion agreed to)	3581

GOVERNMENT ORDERS

Modernization of Benefits and Obligations Act	
Bill C-23. Second reading	3581
Mr. Szabo	3581
Mr. Reynolds	3582
Mr. Robinson	3582
Mr. Reynolds	3582
Ms. Fry	3582
Mr. Reynolds	3582
Mr. Myers	3583
Mr. Reynolds	3583
Mr. Graham	3583
Mr. Lowther	3585
Mr. Graham	3585
Mr. Bailey	3585
Mr. Robinson	3585
Mr. Graham	3585
Mr. Mahoney	3586
Mr. Boudria	3587
Mr. Thompson (Wild Rose)	3587
Mr. Mahoney	3587
Mr. Robinson	3588
Mr. Mahoney	3588
Mr. Morrison	3588
Mr. Mahoney	3588
Mr. Bigras	3588
Mr. Bigras	3589

ADJOURNMENT PROCEEDINGS

Agriculture	
Mr. Gruending	3590
Mr. St. Denis	3591

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