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OFFICIAL REPORT
(HANSARD)

Tuesday, April 30, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, April 30, 1996

The House met at 10 a.m.

Prayers

[*Translation*]

REPORT OF OFFICIAL LANGUAGES COMMISSIONER

The Speaker: My dear colleagues, I have the honour to lay on the table, pursuant to section 66 of the Official Languages Act, the annual report of the Commissioner of Official Languages for calendar year 1995.

[*English*]

Pursuant to Standing Order 108(4)(a), this report is deemed permanently referred to the Standing Joint Committee on Official Languages.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to seven petitions.

* * *

CRIMINAL CODE

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.) moved for leave to introduce Bill C-277, an act to amend the Criminal Code (selling wildlife).

She said: Mr. Speaker, it is my pleasure to introduce a private member's bill to amend the Criminal Code. This bill will make it an indictable offence under the Criminal Code to kill, capture or sell wildlife or wildlife parts if the act is carried out without a licence, permit or an exemption order.

The bill does not replace provincial wildlife laws, but rather it complements them in a similar manner that the Criminal Code also deals with serious driving offences.

It provides for a maximum sentence of two years incarceration for a first offence and a maximum of three years for subsequent offences. If the animal in question is a threatened or endangered species, the maximum sentences are increased to a maximum of four years for a first offence, and eight years for a subsequent offence.

The bill also calls for this section of the Criminal Code to be included as an enterprise crime, which means that it would be subject to the proceeds of crime legislation.

This bill is a necessary piece of legislation to protect one of Canada's greatest treasures, its wildlife.

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

* * *

PETITIONS

MERCHANT NAVY

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I rise, pursuant to Standing Order 36, to present a petition signed by 100 people from Ontario and British Columbia.

The petition states that we, the undersigned residents of Canada, draw the attention of the House to the following: that the wartime merchant navy was the fourth arm of the armed services; that veterans of the wartime merchant navy are under the Civilian War Related Benefits Act; that one in ten Canadian merchant seamen lost their lives, the highest proportional rate of all services; that merchant navy prisoners of war spend 50 months on average in imprisonment but only 30 days are recognized; that veterans of the wartime merchant navy are excluded from the War Veterans Allowance Act, from pensionable benefits, from veterans post World War II free university education, housing and land grant benefits, small business financial aid and veterans health care benefits.

Therefore your petitioners call on Parliament to consider the advisability of extending benefits or compensation to veterans of the wartime merchant navy equal to that enjoyed by veterans of Canada's World War II armed services.

ASSISTED SUICIDE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I have several petitions. The first one relates to euthanasia.

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The petitioners request that Parliament ensure that the present provisions of the Criminal Code of Canada prohibiting assisted suicide should be retained without changes and enforced in order that Parliament not sanction or allow the aiding and abetting of suicide or euthanasia.

HUMAN RIGHTS

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, additionally I have some petitions with regard to the Canadian Human Rights Act.

In accordance with the Speaker's ruling that we may not comment, I table these petitions.

* * *

• (1010)

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CANADIAN HUMAN RIGHTS ACT

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-33, an act to amend the Canadian Human Rights Act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour for me to speak on second reading of Bill C-33 by which the government of Prime Minister Jean Chrétien achieves a number of important objectives at the same time.

First, we fulfil an outstanding political commitment to the people of Canada. Second, we act to implement a longstanding policy of the Liberal Party of Canada. Third, we move to fill a gap in the federal human rights legislation, identified at various times in the past 20 years by previous Parliaments, by human rights commissioners and by the public at large.

As to fulfilling a political commitment, the Prime Minister in the course of the last election campaign undertook to introduce this amendment. In the first throne speech in this Parliament after the election, that undertaking was repeated. In the months, indeed, in the years since as the Minister of Justice and Attorney General of the government I have repeated that commitment. And what is

more, Canadian governments going back a decade have made the undertaking. It falls to us today at long last to fulfil it.

In the policy of the Liberal Party of Canada which forms the government of the country, it is now almost 20 years since that party in its national convention adopted as a policy, a resolution that the act governing human rights should be amended in the very fashion prescribed by Bill C-33. That resolution has been repeated at various policy conventions in the years since.

Indeed, in 1994 at the biennial convention in Ottawa, just such a resolution was once again adopted. As recently as this past weekend as the Ontario branch of the party met in Windsor, the subject was discussed and decided anew. The resolution once again is that sexual orientation ought to be added as a ground on which discrimination is prohibited in the federal human rights legislation.

In filling a gap in the federal human rights law, the statute as it stands was enacted in 1975. Ten years later, eleven years ago, a resolution was adopted unanimously by an all-party committee of the House endorsing the concept of amending the statute in just the fashion that is proposed in Bill C-33.

The courts have identified the gap. In the case of Haig in the Ontario Court of Appeal some years ago, it was the decision of that most senior appellate court that the federal act must be read as though it includes the words sexual orientation in prescribing discrimination and discriminatory practices in matters governed by the statute. The provinces have identified and have dealt with this gap.

In the years since 1977 when Quebec was the first to amend its human rights legislation to add this ground, eight provinces and territories have moved to do so.

• (1015)

[*Translation*]

So, this amendment is far from revolutionary. Quebec prohibited all discrimination on the basis of sexual orientation in 1977. Ontario did the same in 1986. In all, eight provinces or territories have amended their legislation in this regard. This means that almost 90 per cent of the population is protected by similar provisions.

[*English*]

Against this background, in the midst of all these commitments, these resolutions and all the action elsewhere, what has kept the federal government from following through? Why has it taken all these years before this step has been taken? Quite simply, there is real controversy about what such an amendment is and what it is not.

The proposal stirs powerful feelings, caught up in notions of family and religion, who is and is not entitled to benefits in our society. That controversy, those issues and those feelings must not be allowed to stand in the way of simple human justice and equality. It is in the face of that controversy and notwithstanding

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those feelings that we introduce and propose this amendment because it is the right thing to do.

I want to make clear before I go on that as this debate unfolds, at least in my respectful view, no participant has the moral high ground, no one is holier than any other. I know there are strongly held views among those even within my own caucus who oppose this proposal. I respect those who take a different approach. However, at a certain point a government has to make a choice. At a certain point a government has to plot a course.

In introducing this legislation the government has chosen to prohibit discrimination as a fundamental part of the equality of citizens in our country. I acknowledge that any government that introduces such a measure must accept responsibility for explaining what it is and what it is not. That we have undertaken to do. That I will attempt to do today.

Let us look at what this amendment is and what it is not, so that we can agree on the real issues in this debate. It is an issue of human rights. It has to do with equality, with the dignity of individuals, with the principle that someone should not be discriminated against in the federal workplace because of who or what they are.

The federal statute applies to the provision of goods and services and to employment in the federal public service and in undertakings regulated by federal legislation. Close to 11 per cent of the Canadian workforce is directly affected by the act.

The statute sets out its purpose in section 2. It is there provided that the purpose of the act is to give effect to the principle that every individual should have an equal opportunity with other individuals to make for themselves the life they are able and wish to have, consistent with their duties and obligations as a member of society, without being hindered or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

In the following part of the statute, under the heading "proscribed discrimination", we learn what this statute deals with. I think it is very important throughout this debate to focus on the stuff and the substance of this legislation. We are not here talking about the make-up of the family. We are not here talking about the freedom to hold certain religious beliefs. We are not talking about promoting lifestyles. We are talking about discrimination.

• (1020)

In section 3 it is provided that for all the purposes of this act the enumerated characteristics I have read, age, gender, marital status, et cetera, are prohibited grounds of discrimination.

In section 5 it is provided that it is discrimination in the provisions of goods and services or facilities or accommodation to deny access to any person because of one of the stated grounds.

It is discrimination in section 6 to deny the rental of commercial or residential accommodation because of one of those grounds.

It is discrimination in section 7 to refuse to employ or keep someone in employ simply because of one of those grounds; in section 8 to use or circulate any form of application for employment; in section 9 to refuse someone membership in an employee organization.

In section 13 it is provided that it is unlawful to send hate messages, in citing hatred against persons identifiable on the basis of a prohibited ground of discrimination.

In section 14 it is provided that it is a discriminatory practice to harass someone on the prohibited grounds of discrimination.

That is what this legislation is about. It is about protecting Canadians on the grounds of their race, their ethnic or national origin, their colour, their religion or their marital status, from discrimination in their employment or their advancement or the availability of services, from discrimination based on messages of hatred based on one of the grounds on which discrimination is prohibited.

All we seek to do is add sexual orientation to that list of grounds so that people will be protected on that basis as well. That is what this is about.

In the absence of those words what recourse does one have if they are fired or not advanced or refused a service on the basis of sexual orientation? At the moment their only recourse is to rely on a decision of the Ontario Court of Appeal which requires the commission to read those words into the act so that complaints can be brought forward on that basis.

Let me say two things about the insufficiency of that remedy for persons in that position. First it seems to the government that it is up to the Parliament of Canada to articulate and to codify fundamental principles of equality in this country and not leave that job to the courts.

Second, while the Haig decision in Ontario had the effect I have described, there has already been a decision from the Alberta Court of Appeal to the contrary effect. There now exists confusion which will have to be resolved, if the Supreme Court of Canada grants leave, by the highest court in the land. Must the rights of Canadians to be free from dissemination on this ground be left to the outcome of contested litigation? I think not. It is time for Parliament to speak. It is time for us to codify this fundamental right.

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That is what this amendment is. It is a measure that would move against discrimination in the federal workplace and assure fundamental dignity and equality to Canadians.

Let us treat for a moment that which this amendment is not. It does not deal with the conferral of benefits on any class or category of persons. It does not confer benefits on same sex couples. It does not confer benefits on homosexual individuals. The bill is silent on this point.

No matter what Parliament does in relation to this bill the contest in tribunals and courts goes on. For many years courts have been asked to extend same sex benefits based on provincial and federal legislation. No matter what Parliament does in relation to this bill that issue will go on in the courts.

It seems there is very powerful response to those who say that adding these words will lead to same sex benefits. The provinces since 1977 have almost all moved to add these words to their human rights legislation. Yet same sex benefits have not automatically followed from that measure. Those matters are still very much an issue throughout the country. Those who suggest adopting this bill will result in same sex benefits being extended should look to the provinces and see for themselves how faulty that logic is when applied in jurisdictions where this amendment was made.

• (1025)

A recent judgment in the Supreme Court of Canada makes this point crystal clear. In the case of Egan and Nesbitt the Supreme Court of Canada was asked to decide based on an argument founded on the charter whether provisions in pensions benefits that were not available to same sex couples were discriminatory. The Supreme Court of Canada in the Egan and Nesbitt case earlier this year decided that sexual orientation must be read in as one of the grounds in section 15 of the charter on which discrimination is prohibited. It was unanimous on that point because it is an obvious principle of law.

When it came to extending the benefits in the pension scheme to same sex couples, the court by majority refused it. The court by majority decided that the mere fact the charter prohibits discrimination does not equate with the proposition that benefits must be extended. That is a vivid demonstration of the principle that simply adding these words does not automatically lead to the extension of benefits.

Let us look at the next category of what this bill is not. It is suggested by some that this bill will either directly or indirectly undermine or diminish the importance of family in Canadian life. The House will observe we have included a preamble in the bill which repeats and emphasizes the cardinal importance the government on behalf of all Canadians places on the role of family in

Canadian life. It is fundamental to Canadian society and we are determined to promote, protect and preserve the family as a centre point of society.

What is it about this bill that founds the argument that it somehow diminishes family in Canadian life? Some say it will lead to same sex marriage, to which I respond it cannot do so.

The solemnization of marriage is by the Constitution of the country a provincial and not a federal jurisdiction. While it is true to say that in section 91(26) of the Constitution Act of 1867 marriage and divorce are assigned to the federal government, the included category of the solemnization of marriage is by section 92(12) assigned to the provinces. There is legislation now before the courts by which applicants seek relief requiring Ontario to issue a licence to a same sex couple who apply, recognition that it is provincial regulation of the solemnization of marriage, including the issuance of licences, that governs who can marry. It is not a federal jurisdiction at all.

When the federal Parliament came to legislate on the subject of marriage, it did so in a very narrow category. In Chapter M-2.1, the Marriage Prohibited Degrees Act, Parliament dealt with matters of consanguinity and prohibited marriage between related persons. When it comes to the solemnization of marriage in determining who is eligible for a licence, that is provincial and not federal jurisdiction.

It is next said by some that this bill will undermine family by changing the definition of spouse, to which I say the bill does no such thing. The bill does not deal in any way with marriage, marital status or the definition of spouse. That word remains exactly as it appears in all federal legislation, including the Income Tax Act.

• (1030)

I am very sensitive to the need to support family as an essential component of Canadian life. I have been married for 13 years. I have three children, a daughter who is 11 and twin boys who are 8 and about to be 9. My wife and I work very hard together to create a family home in which to nurture those children, in which to educate and prepare them for life by among other things instilling in them values that they can live by. One of those values is tolerance of others. I believe that tolerance is a family value.

In my respectful view, nothing in this bill, no part of this amendment, diminishes my family. Nothing about this amendment threatens the security of our home or the love we feel for one another. Nothing reduces or impairs the rights that my wife and I enjoy to raise our children and live our lives according to our own values and according to what is in our hearts.

Indeed, I suggest to this House today that the adoption of this bill which extends fundamental rights against discrimination to all

Canadians can only improve the world that my children will grow up in. It can only improve the country and society that will be theirs.

It is suggested by some that adopting this bill will lead to same sex adoptions to which I say that nothing could be further from the facts. The whole process of adoption is governed by provincial jurisdiction under the property and civil rights rubric in the Constitution.

Again, I invite hon. members to apply logic in analysing this issue. In 1985 the government of the province of Ontario moved to add sexual orientation as a ground on which discrimination was prohibited in the Ontario human rights legislation. That bill was adopted in 1986 and became law in that year.

Some eight years later in 1994, the legislature in Ontario was engaged in the debate on Bill 167 on whether to allow adoption for same sex couples. While that bill was defeated, the fact is that notwithstanding the addition of sexual orientation to the human rights act some eight years earlier, it was necessary to treat as a separate and distinct issue the question of adoption, recognizing that adding sexual orientation does not lead to that result. Those are the facts and that is the logic.

To those who contend that on any basis adopting this amendment will confer special rights on gays and lesbians, let me point out to the House that the modification prohibits discrimination on the basis of sexual orientation, that we all have a sexual orientation, that it includes heterosexuality as well as homosexuality.

May I also point out that in 1975 when this act was first adopted by this body no one suggested that by prohibiting discrimination on the basis of religion, race or ethnic origin we were conferring special rights on Catholics, on Caucasians or on those from a certain country. No such argument was tenable and no such argument can be made. I suggest that in the present context no such argument can be made.

Let me continue to deal with what this bill is not so that this debate can be carried out on the facts and the merits of this case. Some suggest that this bill is inconsistent with principles of religion, that it is contrary to precepts or concepts of the worship of God. I am proud to stand in the House today to tell my colleagues this amendment has the support of the United Church of Canada, the Anglican Church of Canada, B'nai Brith Canada, the Canadian Jewish Congress. This bill is fundamentally consistent with the most basic teachings of religion.

• (1035)

I am by faith a Roman Catholic. My Irish Catholic mother saw to it that I was brought up in the church. I attended regularly, served as an altar boy and was educated from the beginning to the end of

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my years at school in Catholic institutions. I developed a deep respect for the tenets of the Catholic faith. I suggest this amendment and the action it constitutes is completely consistent with those tenets.

Let me read from the apostolic constitution "Life in Christ" in the new catechism. In paragraph 2358 of the new catechism of my church, the Roman Catholic church, the subject of homosexuality is dealt with. In speaking of homosexuals, in speaking of gays and lesbians, in speaking of those very people against whom we propose to prohibit discrimination by Bill C-33, this is what my church, the Roman Catholic Church has to say: "They"—gays and lesbians—"must be accepted with respect, compassion and sensitivity. Every sign of unjust discrimination in their regard should be avoided".

That is from "Life in Christ". That is the fundamental tenet of my church and that is the fundamental proposition of my bill: that every element of unjust discrimination should be prohibited.

I believe that in adopting this bill the House would be acting on an important and basic principle in Canadian life. In the federal workplace, in those shops, stores and offices over which we have jurisdiction in prescribing basic principles of human rights, they shall not be discriminated against merely because they are gays and lesbians. That is the teaching of Christ and that is the principle of this bill.

[*Translation*]

This amendment is a matter of fundamental justice, of protecting those who are discriminated against in our society, of tolerance, of treating all our fellow citizens with dignity and respect and of looking out for one another.

Canadians have a tradition of tolerance and fairness they are proud of. This amendment will prove definitively that these very Canadian values continue to be part of our identity.

[*English*]

We are discussing amendments to the human rights act. We deal here not with abstractions but with people, with humans. Gays and lesbians are not abstractions. They are very real, with very real entitlements to dignity and respect. They are our brothers and our sisters. They are our sons and our daughters, our neighbours and our friends. They are our colleagues.

I urge the House to assess this bill based on what it is and not on what it is not. I urge the House to assess this measure on what it achieves and not on what some suggest and which cannot be maintained. When this bill is assessed on the facts, when we look at it for what it is, I suggest it deserves the wholehearted endorsement of this House of Commons.

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• (1040)

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I am pleased, both in my capacity as the official opposition critic on human rights and the status of the disabled, and personally, to take part in this debate on Bill C-33, the objective of which is, as the minister has just reviewed for us, to amend the Canadian Human Rights Act, in order to add sexual orientation as a prohibited ground of discrimination.

Before addressing the matter of homosexual rights, I would like to begin with a criticism of the government for the way it has handled this issue.

Only two and a half years into its mandate, we find this government is wearing out, in fact I would call it a government on its last legs. It is obvious in several areas. On the constitutional level, the “principal homeland”, its latest invention for recognizing Quebec and its specific character within Canadian federation did not last long. We have also seen this on the economic level, with all the humming and hawing around the GST. We have seen it as well, and still do, in connection with national defence and unemployment insurance. Now we see the same wishy washy approach to human rights.

Why am I blaming the government? Because we really have the impression that this bill has created enormous tensions within the Liberal caucus. This is the reason the government has waited so long before settling this question, which has dragged on for so many decades.

I am, of course, pleased that this bill has got to the House, although, as the Minister of Justice has already told us, we have had to wait more than 20 years since the Canadian Human Rights Act was first adopted to add sexual orientation to the prohibited grounds.

For more than 20 years now, as the Minister of Justice has also pointed out, the Liberal Party has made it one of its platform policies, but when they formed the government no political decision was made to support that policy, nor to give it concrete form.

The human rights commissioner has intervened regularly since 1979, and in report after report in recent years has reminded the government of its irresponsibility concerning human rights as they apply to homosexuals.

Again in the latest report, tabled in this House a few weeks ago, human rights commissioner Yalden had some very harsh words for the government, describing its non intervention, its inaction in this matter, as irresponsibility.

The official opposition has also needed to hassle the government on numerous occasions since the election to get it to, finally, decide to do something.

• (1045)

It took the passing of a piece of legislation similar to the one before us today, just a few days ago, by the Senate, the other place, for the justice minister to finally decide to table Bill C-33 putting an end to discrimination against the gay and lesbian community on such a ground. Also, I would have liked the justice minister to behave in a less partisan fashion with regard to this issue. It seems to me that when dealing with human rights, one should transcend party lines. I believe everybody should agree that, in this country, every one is entitled to being treated with respect and fairness.

Last week, I asked the justice minister when he was going to table his bill. I would have liked him to let the official opposition know ahead of time instead of waiting until the last minute, as if he wanted to get rid of this issue in a hurry; obviously, as I said before, judging by the split we can feel in the Liberal caucus, this is a hot potato indeed.

When talking about human rights, there cannot be any grey area. It is not a question of tolerance. Sure, mindsets are changing with time, but the arguments we hear from the opponents to this bill are in every way similar to those we heard just a few years ago regarding women.

For centuries, women were not even recognized as having a soul. They had to wait until the 20th century to be allowed to vote both at the federal and provincial levels. Last year, in Quebec, we celebrated the 50th anniversary of women's enfranchisement. The arguments raised in those days are essentially the same we are still hearing today.

I will give you as another example the history of blacks in the United States. For centuries, men and women had to fight just to be recognized as human beings with feelings, with hopes, with a desire to improve their status in their own community.

I hope that during the debate we are launching into today, members of this House as a whole will keep in mind that we are talking about human beings. Last week, or maybe it was ten days ago, during the human rights committee proceedings, the member for Notre-Dame-de-Grâce asked human rights commissioner Yalden if the bill would allow homosexuals, gays and lesbians, to marry. The commissioner answered: “As far as I am concerned, when you are talking about human rights, you are not talking about marriage”. I will come back to that point later.

The issue at hand is human rights. Therefore, I hope everyone participating in the debate will keep in mind that we are talking about human rights. What does Bill C-33 propose? What is the purpose of Bill C-33? Only to recognize a reality.

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• (1050)

That bill proposes that sexual orientation be added to the Canadian Human Rights Act as a prohibited ground of discrimination. In fact, it will mean that, once the bill is passed, all entities under federal jurisdiction will no longer have the right to discriminate against people because of their sexual orientation in matters pertaining to jobs or goods and services. That applies to all businesses and agencies under federal jurisdiction.

We must also ask ourselves why we insist, why we want that act amended. Are homosexuals protected or not by our legislation?

Let me remind the House that the federal government has almost abdicated in that area, as many members have already said. In Quebec, sexual orientation has been included in the charter of rights and freedoms as a prohibited ground of discrimination since 1977, for 26 years now.

As I said before, in 1978, the Liberal Party of Canada included that in its program. In 1985, a sub-committee of the House of Commons recommended that this issue be addressed. In 1993, during the election campaign, Jean Chrétien, the Prime Minister, made a firm commitment, saying he would submit a bill as soon as possible to settle that situation. So I do hope we will proceed as soon as possible.

There is another question we must ask, and the minister addressed it earlier: Will the bill give a special status to gays and lesbians? Naturally, the answer is no. It only recognizes what many pieces of legislation already recognize, here in the federal Parliament and in other jurisdictions. Even Supreme Court justices recognized discrimination based on sexual orientation, even though section 15(1) of the Canadian charter does not specifically mention sexual orientation.

We must also ask ourselves, and the answer seems particularly hard to find within the Liberal caucus: Is the bill changing the concept of family? There again, clearly, the answer is no. Unfortunately, I would say this bill does not go far enough, at least as far as I am concerned, but it is clear, and the minister confirmed it earlier, that it does not change in any way the concept of family as we know it. However, we should recognize that the concept of family changes with time.

Our laws refer to the traditional family, a man and a woman married in church or legally, but we have to recognize that for a number of years now several jurisdictions have recognized common law unions.

• (1055)

When the human rights commissioner appeared before the human rights committee, the hon. member for Notre-Dame-de-Grâce asked him whether adding non-discrimination of homosexu-

als in the Canadian Human Rights Act would automatically give gays and lesbians special privileges. In other words, would that lead to recognition of gay couples? The commissioner said, and I mentioned it earlier, this does not change in any way the concept of marriage as we know it.

However, when the time comes to implement legislation, if we accept non-discrimination based on sexual orientation, if we accept common law marriages, we will of course have to recognize one day or the other that two men or two women could live together, recognize each other as spouses and benefit from the advantages resulting from that.

The point is not to change the concept of family, it is to recognize de facto situations, to recognize that in our world today, some men and some women decide to live together without necessarily having their union approved on a legal or religious level, and that is recognized in terms of the benefits that must be given to these individuals. As soon as we accept to ban discrimination against gays and lesbians, it is obvious that, sooner or later, a further step will have to be taken to recognize that two men or two women can live together, and I repeat, benefit from the advantages resulting from that.

There are already precedents in this regard. Once again, Quebec is showing the way. The National Assembly is currently considering Bill 133 that aims to give gay couples the same rights as heterosexual couples in terms of social and economic benefits.

If, as the justice minister mentioned in his speech, some provinces, in this case Quebec, take specific action to recognize gay couples, it is obviously because the simple fact of listing sexual orientation among the prohibited grounds of the discrimination in Quebec's Rights and Freedom Charter and in the Canadian Human Rights Act does not allow to automatically provide to gay couples benefits that are presently provided to heterosexual couples. I point this out to demonstrate and to insist upon the fact that we will soon be taking one step, but that there is still work to be done in this direction.

• (1100)

Another key argument we often hear every time the subject of sexual orientation is raised, every time there is talk of granting homosexuals the same rights as those enjoyed by all other members of society, is that those who are opposed are betraying their own insecurity toward homosexuality. They wrongly claim that recognizing the rights of homosexuals is tantamount to promoting homosexuality. Worse yet, we have heard members of this House link homosexuality with paedophilia. We heard members of this House liken homosexuality to a disease, to an immoral act.

I find this kind of talk unacceptable, because it is not based on reality and only intended to discredit, to show contempt for men and women who are only seeking respect and recognition for their

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basic rights, which are indeed recognized by the Catholic Church, as the Minister of Justice pointed out in his speech.

In the few minutes I have left I would like to refer to the Bloc Québécois' position. As he was leaving the House of Commons yesterday, the leader of the Bloc Québécois indicated that his party would support Bill C-33. We in the official opposition would like the Prime Minister to see to it that his party, the Liberal Party, adopts a similar position.

It is important to send our fellow citizens a clear message that intolerance in any way, shape or form cannot be tolerated, that discriminating against, discrediting or bringing shame on honourable men and women is unacceptable.

This Parliament is making an important gesture today, even with the limited impact of this bill.

I want to remind the Prime Minister that he has made formal commitments in this regard. During the 1993 election campaign, the Prime Minister promised to ensure that gays and lesbians are granted the same rights as those enjoyed by all other Canadians. This promise was reiterated in a letter sent to EGALE by the Prime Minister's senior adviser on October 18, 1994.

This adviser, Mr. Goldesberg, wrote this on behalf of the Prime Minister, and I quote:

[*English*]

"As this initiative is a matter of longstanding party policy and fundamental human rights, the bill will not be the subject of a free vote".

• (1105)

[*Translation*]

I insist in the name of human dignity, fundamental justice, equity and tolerance that all members of this House give their support to this bill. By amending its human rights legislation, Canada will not set a precedent at the international level, or even at the national level. As I mentioned earlier, Quebec has had its pioneering legislation since 1977, that is the Charter of Human Rights and Freedoms, in which sexual orientation is included as a prohibited ground of discrimination.

Similar legislation was also passed in seven other provinces, the exceptions being Alberta and Prince Edward Island. Countries such as Denmark, Sweden, Norway and Holland also passed such legislation to give gays and lesbians rights similar to those of the rest of the population.

I will conclude by emphasizing the exceptional work done by the hon. member for Hochelaga—Maisonneuve regarding this issue. Members will remember that, when he was the critic for human

rights issues, our colleague rose on many occasions to remind the government of the importance of taking action regarding this issue.

You will also remember the private bill tabled in this House to recognize the rights of same sex couples. Today, we should unanimously resolve this issue once and for all. As Stéphane Baillargeon from *Le Devoir* pointed out: "Nowadays, homosexuals want to be fully recognized, just like ordinary citizens, with no more and no less rights than left handed people or members of other minority groups".

It is in this spirit that the official opposition will support Bill C-33.

[*English*]

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I am pleased to speak on Bill C-33 today. This bill was tabled in the House yesterday and second reading debate is today. It is a bill to add sexual orientation as a prohibitive ground of discrimination under the Canadian Human Rights Act. Just yesterday the minister stated that he wants to deal with this bill quickly.

I have two main concerns about this bill and I want to address those today. The first is that the bill truly address equality and the equality issue in Canadian society. Perhaps we will look at some of the implications of equality and even at the word discrimination. The second concern I have is one which stems from what the justice minister has said. If he wants to put this bill through quickly, will this bill indeed express the wishes of a fully informed Canadian public and will the Canadian public be represented in the decision that is made?

I will address the second issue first because it will be briefer in my comments, which is whether the wishes of a fully informed Canadian public will be represented. Need I remind this House that even recently this government has had a litany of broken promises. Certainly we all know of the broken promise of the GST, a promise made in the red book and trumpeted in a different fashion but certainly trumpeted and responsible for many of the members who are sitting on the far side of the House. That promise they made at the doors of Canadians has been broken.

• (1110)

The Deputy Prime Minister has broken her promise to resign. There has also been another broken promise, one made in the red book, the one to allow MPs greater freedom to vote. The member for York—South Weston was booted out because he kept his promise. This government is not great at keeping its promises.

It is interesting to note there was no promise in the red book to bring this particular legislation into the House. There was no mention in the recent throne speech to enshrine sexual orientation in the Canadian Human Rights Act. However, the government now chooses not to follow through on the promises that were made to Canadians, but promises that have been made over a number of years to a very powerful special interest lobby.

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There was however a very important promise which I mentioned in connection with more free votes for members of parliament. Key to all discussions in this place is that this vote go forward with a free vote for members of the government side. Reformers believe that the main purpose of members standing in the House is to represent the wishes of their constituents. Canadians believe that they send representatives to Ottawa to represent their wishes. That must be a priority in this place and it must be a priority of this bill.

It would seem however that the Liberal government will once again enforce party line. Worse still, because the minister wants this through so quickly, again the government will probably force closure on this bill. Both of those things are an insult, not only to the issue but to the Canadian public which the bill will greatly affect.

To comment on our situation in the country right now, social institutions are failing us through government overspending. Through government decisions and government policies, institutions are failing the very Canadians who depend on them. At this time fundamental institutions are being redefined.

Today's debate concerns a bill of three pages and basically looks at two words which would be added in a few situations. However, this particular bill is another step in a long journey of social reconstruction which is not working. We see it on our streets and we see it in our homes.

The implications of this bill will reflect on the integrity of the government in that what it is saying and putting forward as the reason for the bill is not the full impact of the bill. In their comments the Liberals simply say it is human rights and it will only do such and such. I put it to the House that there is much more involved and I will expand on that.

The Reform Party has taken several positions which would run contrary to the essence of the bill. I will review them to begin.

First, I would like to read the Reform blue book policy on the family: "The Reform Party supports limiting the definition of a legal marriage to the union of a woman and a man, for the purpose of the provision of spousal benefits for any program funded or administered by the federal government".

● (1115)

Also, as a caucus we have put forward a position that will go to our assembly in June for ratification. It reads:

The Reform caucus affirms the equality of every individual before and under the law and the right of every individual to live freely within the limits of the law and with the full protection of the law.

Under the charter of rights and freedoms, homosexuals have the same rights and privileges as all other persons in Canada. The Reform caucus supports the continued protection of these rights,

based on the position of each human being, not on his or her sexual orientation.

For these reasons the caucus opposes as unnecessary and inadvisable the government's announced intention to include sexual orientation as a prohibited ground of discrimination in the Canadian Human Rights Act and in other legislation.

I would like to repeat some of the key notions of our position. We affirm that all Canadians, including homosexuals, are entitled to life, liberty, security of person and freedom from discrimination regardless of personal characteristics and that these entitlements should be strictly enforced. We affirm that these entitlements should be based on personhood, not on sexual orientation or on any other personal characteristics.

We oppose the tendency of the courts and of Parliament to create or recognize different categories of persons for the purposes of defining or augmenting their rights under the charter or the Canadian Human Rights Act. We oppose the practice of granting undefined or unlimited rights under the charter or the Canadian Human Rights Act. We oppose the government's announced intention to specifically include sexual orientation as a prohibited ground of discrimination in the Canadian Human Rights Act as unnecessary and inadvisable.

There has definitely been a history of a push to have this enshrined in legislation. However, I would like to go back to April 17, 1982 when the charter of rights and freedoms enshrined the recognized rights and freedoms as fundamental to the principles of liberty and human worth by putting them beyond the reach of Parliament and provincial legislatures in a document which is part of the Constitution.

By its mandate, the supreme law of Canada, every law must conform. Otherwise it will likely be struck down by the courts as having no force or effect.

One of the guaranteed rights is the right to equality which is enshrined in section 15 of the charter of rights and freedoms. Subsection 15(1) reads:

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

That particular section could have stopped after the words, "and equal benefit of the law without discrimination", in that it reads that 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. Surely that covers Canadians as equal participants in a society of equals.

The list that follows is an open list, granted, but it categorizes individuals which then, in turn, puts those with special rights or privileges above those who may not be on the list. Perhaps that is

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why there has been a concerted effort to add to the list. I ask where the additions will stop.

In 1986 a parliamentary committee had as its mandate the bringing of federal laws into conformity with the charter. It is interesting because that committee went far beyond its mandate. It suggested including sexual orientation in the charter at that time which was far beyond its mandate and completely out of place. Lately I have heard that it was a compromise solution to a suggestion that it recommend inclusion of sexual orientation in the Canadian Human Rights Act, again because of persistent demands of committee members with a very definite agenda in mind.

● (1120)

Recall that in December 1992, when justice minister Kim Campbell introduced Bill C-108, an act to amend the Canadian Human Rights Act, one amendment in the bill added sexual orientation as a prohibited ground for discrimination. Simultaneously, Bill S-15 was introduced in the Senate by Senator Kinsella who has recently introduced Bill S-2 which has just passed the Senate again. Both bills were interrupted by the dissolution of Parliament.

Key to all of this has been a concerted and ongoing effort with no record of demand by the Canadian people. There have certainly been efforts by individuals through the years to put this initiative forward.

I would like to spend some time looking at what is meant by discrimination. It is part of the protection for every Canadian according to the charter of rights. The list in the charter of rights is an enumeration of certain classes of people who are discrete and insular minorities with distinct and immutable status. They have been given a protected class status and special legal standing. As we have seen with our laws that legal standing includes consideration in affirmative action programs. When we look at lists we look at special standing, at inclusion in our laws and special recognition within those laws.

Do homosexuals as a group, which is addressed by the definition of sexual orientation, whose members are linked solely by a shared sexual behaviour, warrant a protected class status such as that which is implied by the word discrimination? Historically there have been three touchstones in awarding protected class status to a group of individuals.

The first touchstone is that the entire class has suffered some history of social oppression evidenced by a lack of ability to obtain economic success, adequate education or cultural opportunity. The second category is that the entire class would exhibit immutable characteristics like race, colour, sex, that define them as a discrete group. The third touchstone is that the entire class exhibits political

powerlessness. These are the definitive characteristics of classes which would be protected specifically within our discrimination list.

Not all minorities are eligible for protected class status under discrimination. For instance, top corporate executives could be seen as a class of Canadian citizens but they would obviously not fall within these three categories. This group would not be eligible for protection against discrimination. Another group who could be identified are the 295 members within this House. Obviously we do not qualify under these guidelines.

● (1125)

If as MPs we organized ourselves or if top corporate executives organized themselves to lobby for special recognition they would represent a special interest group, not a true minority.

Looking at the first criteria, are gays economically, educationally or culturally disadvantaged? Under that criteria would they be included as a group who should be specifically protected from discrimination?

There have been recent studies done by homosexuals which indicate that they are enormously advantaged in our society. On July 18, 1991 the *Wall Street Journal* carried an article called "Overcoming a deep-rooted reluctance, more firms advertise to gay community". That article reported findings by the Simmons Market Research Bureau and the U.S. census bureau.

Some conclusions of that report are that gays have an average household income in the United States, but it would be reflected within Canada, of \$55,430 contrasting the general population income of \$32,144. More than three times as many gays as average Americans achieved graduation from college, 59 per cent versus 18 per cent.

More than three times as many gays as average Americans hold managerial or professional positions, 49 per cent versus 15.9 per cent. And 65.8 per cent of gays were overseas travellers, more than four times the percentage of average Americans and 13 times as many gays as average Americans, that is 26.5 per cent versus 1.9 per cent, were frequent flyers. Certainly these statistics do not represent a community that is economically deprived.

Another contention put forward is that there is a preponderance of violence against this group in our society. I will admit there is a rampant increase of random violence in our country but that is seen everywhere. We have been shocked with what is happening on our streets and the feeling of unrest and insecurity of the members of our community. We can lay that at the feet of a faulty criminal justice system, a criminal justice system that demands no accountability.

The present Young Offenders Act is designed so that there is nothing to stop establishing behaviour patterns within youth. Criminality pays no price. All Canadians need protection and the security of their person.

For instance, a local gang in our area, a small minority, attacked anyone in a local mall who was wearing the colour purple. During the year or so that this was going on I heard of no individual attacks on the homosexual community. I have not seen any evidence of any greater proportion of violence against homosexuals as violence against other Canadians.

Again we concur that homosexuals, just as every Canadian, demand protection and should be protected under Canadian law but special protection is not indicated.

● (1130)

It is interesting and actually strange that this government should bring forward this legislation at this time. Why this particular group when there is no indication it needs special protection beyond any other Canadian when there is a group of Canadians, the minority English in Quebec, and what they are facing and how they are being ignored by the government.

The minority English in Quebec are facing inferior education. And what other group would see tens of thousands of their ballots rejected at a democratic election and not have an outcry from the federal government that is supposed to represent them? In Quebec this group is excluded from government positions. Yet this government says nothing about this group, which is obviously facing discrimination within the context of its community. Instead, this government introduced Bill C-33.

The second criteria was that specially protected classes should exhibit obvious immutable or distinguishing characteristics like race, colour, gender, national origin, which define them as a discrete group.

There have been many studies. A study of twins has been discredited. Researchers Bailey and Pillard were discredited because twins from this study were from the same household. There was a lack of scientific credibility with that result.

A study by Simon LeVay looked at the brains of 19 homosexual male corpses and tried to determine whether there was a distinction, an immutable characteristic. This study was discredited because of misclassifications, incomplete data or irregularities.

Author and American University associate professor Jerry Muller talks of sexual politics on America's college and university campuses:

In political arguments toward the non-homosexual public, the homosexual movement has tended toward a deterministic portrait of homosexuality as grounded in irrevocable biological or social-psychological circumstance. Yet

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among homosexual theorists in the academy, the propensity is toward the defence of homosexuality as a voluntarily affirmed "self-fashioning".

The confluence of feminism and homosexual ideology has now led to a new stage, in which the politics of stable but multicultural and multisexual identities is being challenged by those who regard all permanent and fixed identity as a coercive restriction of autonomy, which is thought to include self-definition and redefinition.

It seems there is a fluidity in the definition of sexuality within the homosexual community which indicates that even their own concept of the immutable characteristics or the constancy or even the identity of sexual orientation would be very difficult to pin down. The second criteria that they should exhibit immutable or distinguishing characteristics is nullified by the very notion that there is no identification within that category.

The third criteria is that specifically protected classes should clearly demonstrate political powerlessness.

As I have traced in the last number of years, there has been a steady progress in parliamentary decisions very lately, but if not within legislation certainly within the courts there has been a steady progress of sexual orientation within legal decisions and within the bureaucratic documents of government.

● (1135)

An interesting contrast was a private member's bill last September that thoroughly rejected the recognition of same sex spouses. It was a free vote and the count was 124 to 55, a rejection of the recognition of same sex spouses. The government, despite that decision, two months earlier through the Treasury Board had a directive which extended leave related benefits to partners of same sex civil servants. That was in direct opposition to what was decided here and I believe in opposition to what the public would say.

Does the homosexual community have political clout? Certainly as I have sat in the health subcommittee on AIDS I have seen that this is the case. In a subcommittee report we reviewed funding for diseases within our society and within the AIDS strategy.

The results of health funding for different diseases read like this: In 1994-95 \$43.5 million was allocated by government to AIDS funding. Breast cancer funding for 1994-95 was \$4 million, one-tenth the amount. Funding by Health Canada for cardiovascular disease was \$3.8 million. It is interesting to note that the total incidence of HIV in Canada at the end of December 1994 was 10,000 cases with 7,471 deaths. Compare that with 17,000 cases of breast cancer diagnosed in 1995 alone with 5,400 deaths. Decisions like this, decisions that come to the bottom line of government spending speak to me not of political powerlessness but of extreme political activity and effect.

Do homosexuals only want protection from discrimination, or with protection from discrimination could they also want protection from public scrutiny, from public criticism and perhaps from public accountability? I know the numbers I have just quoted have

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enraged Canadians from coast to coast. They question, they ask and they are very concerned that their health care dollars do not relate to the severity of the diseases in our communities.

Myself I ask why this kind of spending was not questioned before this time. Is it that perhaps AIDS is a politically correct disease that falls outside the scrutiny of the Canadian public? I question too whether the very question that I have asked would be allowed in the future as we continue on this process concerning discrimination.

To give an illustration of that, recently a pamphlet from the Canadian AIDS Society came into my possession. Part of the AIDS funding is going to an AIDS awareness campaign and an anti-homophobia campaign. This may be part of that very campaign. This pamphlet is on homophobia. It says homophobia is another kind of prejudice. Prejudice is a word that occurred in Bill C-41 alongside hatred, alongside this whole business and this whole notion of discrimination. In this very document which I presume is funded partly by government it states: "We all take part in homophobia when we"—and there are a number of things on the list. The fourth one on the list is "when we deny basic rights like spousal benefits to lesbian and gay couples".

Is this what the government says is simply allowing two words to be protected from discrimination or is this a larger package: discrimination today, homophobia tomorrow, within the context of what can be said and what can be addressed. What we are seeing today threatens to impact more individuals in more life aspects than any single political move of this day.

• (1140)

Under homosexual advantage legislation whose rights would stand: a parent who resisted a homosexual's influence on their children within their school or within their community; school teachers or administrators, public or private, who are forced to persuade children that homosexuality is normal and attractive even though they do not personally agree; employers, business owners or the military that would be under coercion to recruit and promote homosexuals within some type of affirmative action program; employees who would be forced to value homosexual behaviour or they might lose their jobs; health care workers or victims who remain vulnerable because of privacy rights of the very serious but very deadly disease of AIDS; landlords who would be forced to rent to homosexuals when they or other tenants within their building may conscientiously disagree with this behaviour; or churches or parent church ministries that are faced with the contradiction to their firmly held doctrine and belief in hiring or perhaps even speaking of this behaviour?

I have heard the justice minister say that he values the beliefs of all Canadians. However, I ask how that value would be translated when a special interest group's agenda overrides the values of Canadians.

I have mentioned briefly Bill C-64, the affirmative action program in Canada, which we call employment equity. That too has a list within it which has been derived from the disadvantaged groups which are enumerated within the charter and the human rights act. That particular notion of giving special rights or special entry into employment has been rejected by Canadians.

It is interesting that the government census contains questions about sexual orientation that will be, I presume, used to determine numerical goals and quotas including that particular category in the future.

I was part of the human rights committee when it looked at Bill C-64. It was very apparent in the testimony of witnesses who came before us that it was the strategic success of the most powerful groups claiming historical disadvantage that won out, certainly the truly disadvantaged. Very often they were the aboriginal peoples or the disabled. The advantage of the other groups which were more politically powerful came at the expense of those truly disadvantaged groups. Employment equity does not work. Employment equity will not work and we certainly do not need another category added to it.

Much attention has been given to the preamble of the bill in the media which states: "Whereas the government recognizes and affirms the importance of the family as the foundation of the Canadian society". As we have seen in this list, the family may be asked to give up its personal choices and values in light of the label of discrimination against it. Rightly so, the question has been asked of the government as to why it put this in. In my estimation the government is bent on remaking and redefining the family unit. Here again we have another example of that.

We have a government that works against the family in its taxation and spending priorities. In the last 20 some years this government, and certainly we have to lay it at the Liberals' feet, has put a debt on our families which our children and perhaps our grandchildren will not be able to overcome or see the end of. It will affect their ability to get jobs and make a living.

• (1145)

The level of taxation has made it so that 46 per cent of a family's income goes to taxes. That level creates two wage earners not by choice, but by force.

The government has created social programs that are clearly unsustainable. Choices have to be made. We have received empty promises from a government that has proven it is untrustworthy in providing security for our families.

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The criminal justice system ignores the security of law-abiding citizens, releases criminals when they are known risks to our streets. The Young Offenders' Act is a joke to our youth and a curse to parents and communities. Yet the government says it stands for families. No wonder the media is surprised to see that in this bill.

The latest move, the inclusion of sexual orientation as a prohibited ground within the human rights act, is again part of a homosexual agenda to see their lifestyle affirmed and recognized in law.

Jeffrey Levi, a former executive director of the national gay and lesbian task force made a statement that relates to family and to the agenda of this group:

But our agenda is becoming broader than that; we are no longer seeking just the right to privacy or right to protection from wrong. We also have a right—as heterosexual Americans have already—to see government and society affirm our lives.

Now, that is a statement that will make our Liberal friends queasy. But the truth is, until our relationships are recognized in the law—through domestic partnership legislation or the definition of beneficiary, for example—until we are provided with the same financial incentives in tax law and in government programs to affirm our family relationships, then we will not have achieved equality in American society.

The goal is to become included in the family definition. That is not what Canadian families are looking at or want.

Canadian families are in distress. They are overtaxed, they are insecure and here we have a government bound on redefining the very family to include more, extending benefits or creating greater impact on the families which are now in distress.

Our party says that if Canadian families are broken, if they are in distress, the solution is not to redefine the family, not to explain it away, but to fix the programs that have caused the problems. Families are too important to his society and to future generations that will make up the next society. Government policy should always be evaluated in terms of how it affects our families.

The extension of benefits or the definition of family will affect more than 50 federal statutes. They will have a very real dollar cost at the expense of those who need protection and they will have a very real societal cost in weakening the understanding of commitment, nurturing and procreation that are the roles of the established husband and wife family.

This is not a simple addition of two words to a list. This is not simply addressing a basic human rights issue. And no, this is not only a moral issue, although it has the potential for negating the rights of those whose personal values reject homosexuality.

This is a special interest group hijacking the provisions in law that are meant for the disadvantaged of our society.

• (1150)

Again I say the gay and lesbian community has the same rights, privileges and protections under law as the rest of the population.

The Reform Party has taken the position that it rejects the inclusion of sexual orientation in the Canadian Human Rights Act as both unnecessary and inadvisable. As a party we take that position. As a party we also commit to representing the expressed wishes of our constituents in taking that position. I stand with my constituents and I stand with my party. I stand, I believe, with the majority of Canadians who resist the inclusion of sexual orientation and the incumbent rights of family which go with it. I represent my constituents in doing so.

Mr. John Harvard (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, I appreciate the opportunity to comment on Bill C-33.

Everything we say, do and touch in the House of Commons is important, one way or another, to all Canadians. Some things are more important than others. This bill to ban discrimination on the grounds of sexual orientation is one of the more important measures to come before the House.

It is important to all Canadians because it is about fairness. It is about tolerance. It is about equality. It is a message to all Canadians that discrimination will not be and is not acceptable.

For those of us who feel it is important, I point out I am a family man. I come from a large family, raised on the prairies. I am one of 12 surviving children. My mother gave birth to 14 children. I am number 11. I have a large family, at least in contemporary terms. I am the father of five children. I am the grandfather of four children.

Family values to me are very important. I assure all Canadians watching today that my wife and I take our family responsibilities very seriously. We think values are very important and we pass those values which we hold dear to us on to our children. We impart those values. I feel very strongly that Bill C-33 represents no threat to me, no threat to my wife, no threat to my children.

I understand that from time to time in the affairs of human kind certain ideas come along and certain changes are made. Some frighten people. I can understand that. Banning discrimination on the grounds of sexual orientation is one of the changes which frightens people. People say “don't do it, for it frightens me”. We have heard these voices before. We have heard these voices on very important issues throughout history.

Slavery was abolished in the United States over 150 years ago. Before that happened there was a great debate. There were Americans who said “don't do it, for I am afraid”.

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• (1155)

More than 30 years ago integration became a hot issue in the United States. People said "don't do it, for we are afraid. Do not allow blacks to ride at the front of the bus".

In Canada in 1916 or 1917 Canadians were debating the right of women to vote. People said "don't do it, for we are afraid". The same thing happened in the 1960s on the issue of contraception. "Don't allow it, for we are afraid". The same voices were heard on the issue of divorce: "Don't permit the state to allow divorce, for we are afraid".

When we face these issues, people like me who feel a responsibility to push changes of this kind have a responsibility to allay fears. I want to allay some of the fears respecting Bill C-33. I refer people in the House and people watching across the land to the preamble of the bill.

The preamble has two important "whereas":

Whereas the Government of Canada affirms the dignity and worth of all individuals and recognizes that they have the right to be free from discrimination in employment and the provision of goods and services, and that right is based on respect for the rule of law and lawful conduct by all;

And whereas the government recognizes and affirms the importance of family as the foundation of Canadian society and that nothing in this act alters its fundamental role in society;

It is important to point out that preamble, for it gives this act meaningful context. It should allay some of the fears and concerns of some Canadians.

Let me put something else to rest. The bill is not about special rights. It is about equal rights. Right now in this land the human rights act states that one cannot be discriminated against on the grounds of age, sex, colour, religion. These are not special rights, because everyone enjoys them. The same can be said when the words sexual orientation are added to the list of prohibited grounds. It will not be a special right belonging to homosexuals or heterosexuals, because everyone will enjoy this same right, be they homosexual, heterosexual or bisexual.

This amendment provides for protection against discrimination in the workplace and in the provision of goods and services. It means an individual cannot be fired on the basis of his or her sexual orientation. The law also prohibits an employer from doing this on the basis of other grounds such as race or religion.

It is not a special treatment but the very opposite. It is intended to stop employers from singling out homosexuals or blacks or a religious minority and instead treat them as everyone else, the same as everyone else. And so I say this is not a special right.

People might ask what does the Canadian Human Rights Act do? The title of the statute suggests a broad range of coverage, but when we look at what this law actually covers, we gain some perspective. It applies to employment and the provision of goods

and services. It does not apply to other matters. It applies only to areas under federal jurisdiction, which is fairly narrow. The vast majority of employers and service providers, about 90 per cent, come under provincial human rights laws. Therefore the changed law would not be all encompassing, as some people might suggest. The interesting thing is that most employers and service providers are covered by provincial rights codes. The majority of these provincial laws have already been changed to add sexual orientation.

• (1200)

What about the Canadian Charter of Rights and Freedoms and why is it important? It is important because the charter is part of the Canadian Constitution. It applies to all other laws in Canada be they federal, provincial or municipal. This is important because the Supreme Court of Canada has said that section 15, the equality guarantee, prohibits discrimination on the basis of sexual orientation. It is in the law already. It is in the charter and the charter applies to all federal laws.

In this respect the Canadian Human Rights Act changes nothing. This is very important and worth repeating. The charter already prohibits discrimination on the basis of sexual orientation at the federal level regardless of whether this amendment comes along or not. It is very important to take note of this. Thus before one draws conclusions about the impact of this amendment, it must be understood that its impact already exists because of the charter.

Another point I would make about the state of the law is that the courts have already ruled that sexual orientation is in the Canadian Human Rights Act. There has been, admittedly, a contrary decision about the Alberta legislation but the decisions with respect to the federal legislation stand. Overall the state of the law is such that it is hard to see this bill as anything but a catching up to what has already happened in most places across the country.

How does it affect the family? How does it affect marriage? How does it affect adoption? The preamble to this bill which I cited earlier answers the question. It recognizes that the family remains at the foundation of our society and this amendment is not going to change that. The family remains strong.

How does it affect marriage? This law has nothing to do with marriage. The Canadian Human Rights Act has no application here.

How does it affect adoption? This law has nothing to do with adoption. Adoption is a provincial matter.

This brings me to a fundamental point about this bill and the Canadian Human Rights Act. The purpose and impact of this bill is not as broad as some would have it. Its purpose is not to change people's sincerely held beliefs. Its purpose is to prevent an employer from firing someone because of his or her sexual orientation. It is to prevent someone from being denied service by a

federally regulated business simply because of his or her sexual orientation.

It is important to note that the law makes this distinction. The law says that when the border between belief and action is crossed, that is when an employer or service provider acts to refuse a job or service simply because of a person's sexual orientation, then the point has been reached where the law should intervene.

When you look at this bill more closely, Mr. Speaker, you realize that it does a lot less than some suggest but something still very important.

Let me address some other issues that have been raised. One is the meaning of sexual orientation. Some have asked if this might include unlawful conduct. As I mentioned, sexual orientation is already in the charter and the majority of provincial human rights laws, as well as being read into the Canadian Human Rights Act.

There have been quite a few cases and there is a well-developed understanding of this term. It means homosexuality and heterosexuality as well as bisexuality.

The answer to the question about unlawful conduct is a clear no. This law does not apply to such conduct. The preamble to the bill confirms this. There is no doubt about it. I remind the House of this and it is very important: pedophilia is not a sexual orientation. It is a crime. It is a crime regardless of whether the offender is heterosexual or homosexual. It is important to put those facts on the table. It is very important to understand that.

• (1205)

I have heard it suggested that it would be better to drop the list of grounds from the Canadian Human Rights Act altogether rather than adding the two words sexual orientation. I am not really certain if I understand this point. If the list of grounds is dropped, with what would it be replaced?

How do we protect against discrimination on the basis of race, religion, sex and sexual orientation? How would we know what forms of discrimination are prohibited and which forms are not? I do not understand what this would accomplish. Either we protect against discrimination on the basis of race, religion, sex, sexual orientation and other listed grounds or we do not.

In my view it is misleading and disingenuous to suggest dropping the list. Ultimately this suggestion is quite meaningless. It is designed to stir up trouble and it is intended to avoid the issue.

Ultimately if we are to protect against discrimination on the basis of sexual orientation, the proposed amendment to the Canadian Human Rights Act is the way to do it. There is really no other way.

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Having reflected on this, and having carefully considered the purpose and the effect of the bill, what else can be said about this amendment? It is a rather modest bill, despite the kind of attention it is getting. It allows the federal government essentially to catch up, to the courts, to the provinces and to catch up to the law. When this is looked at issue by issue, point by point, the impact of this amendment has been greatly exaggerated by some. This amendment is about human rights, a simple matter of fairness and tolerance.

A majority of Canadians support this amendment and they have for years. For most people this is not a controversial issue. This is because Canadians understand that this comes down to a basic question: "Do you think it is right to discriminate against gays or lesbians, to fire them from their jobs, or refuse them a service simply because of their sexual orientation?" The majority of Canadians know that it is not. This flows from basic Canadian values, important values, values that we all hold very sincerely.

I have talked about catching up. Most of the provinces with the vast majority of the population have voted to add this protection to their human rights acts. This is not something new. It has been the Liberal Party's policy for a good many years. I think it goes back to 1978. The fact that the Liberal Party has supported this amendment has been known to people for a long time.

After so many years, after being elected to govern this country it is really time to act. Enough time has passed and now is the time to follow through. I sincerely ask all members to consider this bill, to examine it, and in the final analysis I think they will find that it is very worthy of their support.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Madam Speaker, I would like to tell the hon. member who just spoke on this bill and claimed he looked at it inside and out that on the whole I subscribe to his line of questioning. I think that discrimination, whatever its nature and whatever its basis, is something harmful to our society. Regardless of the ground, be it sexual orientation, colour of skin or political ideas, discrimination is unjustifiable.

• (1210)

There are two kinds of discrimination, however, and I wonder if the bill introduced by the Minister of Justice, contrary to what he claims himself, does not extend any additional right to the gay community; I would like to believe that, and I hope it does not. But I do have problems reconciling the French version and the English version of the bill.

The hon. member who just spoke is an anglophone from Ontario, I believe, whom I respect very much, but I doubt he had the opportunity to compare the French version and the English version.

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I can understand that, like myself, he reads and obtains information in his mother tongue.

I am trying to compare both versions to see if there might be a drafting error that could be corrected right away. Let us look at section 3 in the English version.

[English]

“For all purposes of this act, the prohibited grounds of discrimination”.

[Translation]

The English version says: “prohibited grounds of discrimination.”

The French version reads: “Pour l’application de la présente loi”, which is the exact translation of the first phrase in the English clause, and the words “motifs de distinction illicite” are used. As if the word “illicite” were the correct translation of “prohibited”. I really have to examine this, and members of Parliament who do not are perhaps demonstrating real carelessness.

The word “illicite” has to be seen in its context. Our rules of construction say that statutes are to be administered and interpreted according to their content and their wording. But they can also be interpreted a contrario, which means by reading between the lines.

If I state that illicit discrimination on the basis of sexual orientation is prohibited, can I also suggest a contrario that a form of legal discrimination on the basis of sexual orientation is allowed ipso facto? Would I not be opening the door to the setting of quotas, which were so crucial an issue in the last election campaign in Ontario? We have seen the results of these quotas in Ontario. Those who know best about this are the Ontario Liberals; they lost the election because of quotas.

Discrimination is completely immoral. If a federal statute says so, I am in full agreement. But if its wording opens the door to the opposite interpretation, I have to give a warning.

It is acknowledged that homosexuals represent about 10 per cent in our population. Therefore, homosexuals have the right to claim the same proportion of jobs in the public service, in police forces, and so on. They have the right to exist, and that right should be acknowledged. If I were to interpret this clause a contrario, it would be like saying: “There are 4,000 male police officers in the Greater Montreal Area. To properly represent the gay and lesbian community in the Montreal region, we would need 400 officers from the gay and lesbian minority, which would mean that the hiring policy would have to be changed to ensure that the next 400 officers to be hired are gay or lesbian”.

• (1215)

The thing is that, in these kinds of jobs, sexual orientation does not really have anything to do with the duties to be carried out. We should be able, for example, to hire 400 police officers without asking them about their sexual orientation.

Would sexual orientation not take precedence over skills? It has happened in other fields. This is not something that has come out of the blue. I met with a cadet, a police recruit, who had attended the Institut de police de Nicolet and had been designated the best cadet of his class. He had earned his diploma and some awards from the lieutenant governor. Despite all his achievements, he could not find a job, although everybody recognized that he was the best in his field. There is a positive discrimination system, as it is called, and I am afraid this poor guy will have to wait a long time before joining a police force. That is my only concern.

As regards discrimination based on sexual orientation, I agree 100 per cent with the minister and with his concerns and those of my Bloc colleagues. However, as a jurist, I have spent a good deal of my life interpreting legal material. I can now see the conflict that could come out of the interpretation or the wording of the French and English versions. I listened to my Liberal and Reform colleagues, who speak English version. But when you compare both clauses, you realize that they do not mean exactly the same thing.

I would like to ask the hon. member if he has thought about the consequences such a discrepancy or an inconsistency in the English and French versions could have.

[English]

Mr. Harvard: Madam Speaker, for the information of the hon. member, I am not from the province of Ontario. I am from the province of Manitoba.

The hon. member raises a couple of questions. One is a more technical question. He really wonders whether there is a discrepancy or a difference between the English language version of the bill and the French language version.

I am not a lawyer and I am not competent to address that question but let me assure the member that a question of this kind is certainly appropriate to raise at committee. At committee there will be members of the government and lawyers and others who can answer any technical questions. I invite the member to raise that question before committee. He will not have to wait long for that.

On the question of quotas, targets and affirmative action, let me assure the hon. member the bill has nothing to do whatsoever with affirmative action.

We have to be careful when dealing with the bill not to read more into it than is there. We are talking two words, sexual orientation. Those two words are being added to the list of prohibited grounds of discrimination. There is nothing more to this, nothing less. It

simply means Canadians, after the bill becomes law, will not be able to discriminate on the grounds of sexual orientation. I assure the hon. member it has nothing to do whatsoever with affirmative action.

While the hon. member has some questions, I realize, recognize and appreciate that he and his party support the bill. That is very important. The bill is about equality and tolerance. We appreciate their support very much.

• (1220)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, you will not be surprised to hear that I stand today to express my firm support for this bill. I do it with great pleasure, since I know that in this House there are times for being partisan and times for not being partisan. If you ask me what is the main reason for my involvement in politics, I would tell you that sovereignty was the first reason, of course, closely followed by my determination to promote equality among individuals. I think that each time Parliament discusses the promotion of equality among individuals, there should be no partisanship involved.

I listened to what my colleagues from the Reform Party had to say, but not only does it not conform to reality, it is in my opinion riddled with inconsistencies and nonsense to the point that it borders on the unacceptable. But this is not what I want to discuss today.

I know that my chances are very slim indeed, with a few notable exceptions—and I will always respect them for the great parliamentarians they are—of convincing Reformers, as I am fully aware that the Reform Party is to human rights what silent movies are to the motion picture industry. These are people who, oddly enough, take pride in looking back and confusing genres and styles with disconcerting aptness and eloquence.

This being said, what are we talking about today? Today, we are asked to examine the Canadian Human Rights Act. We have to remember—since this is a common mistake, including among the media—that we are not talking about the Charter. The Canadian Human Rights Act has no constitutional value and is not included in the 1982 Constitutional Act. It is one of two instruments to promote human rights. Thus it is an organic law, whose scope and status are the same as those of the other laws of this Parliament.

The Canadian Human Rights Act applies to all those who benefit from federal government services and to all workers under federal jurisdiction. So, essentially, we are speaking of interprovincial transportation, banks, the public service, large crown corporations such as the CBC, etc.

All we are asking members today is to accept that, as far as the Canadian Human Rights Act is concerned, discrimination based on

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sexual orientation against people who receive services will not be tolerated. That is what this bill is all about. All efforts by our colleagues of the Reform Party or of the “Flintstone” wing of the Liberal Party would be intellectually dishonest.

Let them rise in the House and say that yes they believe that discrimination based on sexual orientation is acceptable; I am ready to accept that. It is not my opinion, I will not be pleased by that, but people have a right to be against the end of discrimination. But let us have the courage, as members of Parliament, to recognize that what we are speaking of today is the end of discrimination.

I will try to explain, a little later, that this has nothing to do with a redefinition of the family and, especially, that it has nothing to do with possible recognition of same sex spouses, something I want with all my heart. For as long as I will be in public life, I will never stop asking for it, but I will be honest enough, I will be intelligent enough to call a spade a spade and make the distinction where it exists.

Today, once more, allow me to be out of order and to look in that direction for 30 seconds, because what we are talking about is the end of discrimination based on sexual orientation. Discrimination, what does that word mean? It is clear in the act. Discrimination is treating a group of people differently or giving them different benefits from what they are entitled to.

I will give you a concrete example. Of course, these last few years, legal progress has been made.

• (1225)

It is true that between 1968, when John Turner, then minister of Justice, decriminalized homosexuality, and 1996, we not only made legal progress but we also developed an intellectual maturity, with some 52 exceptions.

It is this intellectual maturity that allows us today to be MPs and to rise in this House knowing full well there is, in Quebec, a majority of people who clearly showed us their support in surveys, and I personally think that such a majority also exists in English Canada.

As a Bloc member, I must frequently go to Vancouver and Toronto and to Manitoba. Since I was elected, I have gone to many parts of English Canada to give conferences and nobody ever told me that: “Yes, we must perpetuate discrimination”.

When we address the issue intelligently and explain it with some consistency, we notice that people do understand that discrimination based on sexual orientation is unacceptable in our society.

How does one live that kind of discrimination? Not long ago, and I am not talking about 25 years ago—and I will choose my words carefully because I know that things are changing more and

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more—known homosexuals were not accepted without some coolness. The first example that comes to mind is that of the armed forces.

Does this mean that the senior command of the armed forces systematically practice discrimination? Of course not. That is not what it means. But we know very well that, by adding sexual orientation to the list of prohibited grounds of discrimination included in the Canadian Human Rights Act, we are giving judicial protection to a category of individuals who, one might say, is very likely to experience discrimination.

Not long ago, in fact, two years ago, a officer in the Canadian forces, a sergeant I believe, was fired because her colleagues discovered that she was a lesbian. At that time, the Canadian Human Rights Act did not offer the protection we are about to include in it. That woman had to take her case to a civil court, but, in the end, there was an out of court settlement. Today, we are sending a clear message as to the way we want the laws interpreted.

Why do we have to take such action? We have to do it, and I think the Minister of Justice spoke eloquently about that, because we are parliamentarians. Being parliamentarians means that we have a public voice, of course, but it also means that we pass laws.

If we, as parliamentarians, do not have the courage to say that we want the words “sexual orientation” to be included explicitly in the Canadian Human Rights Act, how can we expect the judiciary to have the courage to interpret these words and how can we expect Canadians not to suffer from discrimination when we, as parliamentarians, do not have the courage to fulfil our responsibility to define in legislation the kind of society we want to live in?

I think that if we do not understand or subscribe to this basic principle, I would even go so far as to say that we do not deserve to have a public voice and that we certainly do not deserve to sit in Parliament. It has been mentioned, and I think it must be part of our understanding, that the Canadian Human Rights Commission, which is not a political body, a partisan body, has been saying since 1979—and that is a very long time in political terms—that the Canadian government must have the courage of its rhetoric.

I say that because, at the rhetorical level, there have been many occasions when parliamentarians rose in this House to say that discrimination is indeed unacceptable, that the situation must be rectified. However, in reality, it is today that things are happening, that we are getting serious about this issue and that we have to begin to take concrete measures to rectify the situation.

• (1230)

I would just like to read a short extract from an exchange between Human Rights Commissioner Max Yalden and a senator from the other House: “We are doubly pleased to see that Senator Kinsella has introduced a private member’s bill that will add sexual

orientation to the prohibited grounds of discrimination. Parliament has a responsibility—and that is the key point he makes—to legislate in this kind of important matter. Canadians should be able to find out what is in their legislation without having to read reports or interpretations of the courts. If Parliament does not amend the Canadian Human Rights Act, it would, in our view, amount to an abdication—this could not be clearer, I think—of its responsibilities”.

This, then, is exactly what the Minister of Justice is calling on us to do. Naturally, one may ask oneself questions, and you will understand that I have asked myself some, on what it is that makes some people homosexual. There are many theories. There are those who say you are born that way, that it is in the genes, that you come into this world homosexual, and that some people take longer to come to the realization, but if you are profoundly homosexual, sooner or later you are condemned to act on it. That is one view.

There are others who say that, no, homosexuality is not innate, that it is a social thing and that one context will predispose us to homosexuality and another to heterosexuality.

All this is terribly theoretical. But I think that what is important in society is that whether one is homosexual or heterosexual, whether one is polygamous or abstinent, whether one leads the life of a monk or is a little more hotblooded, what is important is that whatever one’s choice, one can make it with respect for oneself and for others. And if there is to be this respect for others, some legislative conditions must be put in place.

And the most important of all is that we come to have a normative view of homosexuality. That does not mean that any of us is obliged to promote homosexuality. Someone said—I do not know if it is the hon. member for Chambly or my colleague from the government majority—that homosexuals make up about 10 per cent of every society. This figure was arrived at in the 1952 Kinsey report, the most comprehensive study on the sexual behaviour of Canadians ever made, a first. The study revealed that 10 per cent of people openly said they were homosexual.

Again, the important thing is that we, as parliamentarians, work to establish conditions of optimum tolerance. Whether you live in Calgary, Winnipeg, Vancouver or Montreal, the important thing is to know you will not be discriminated against if you are 13, 14 or 60-years old and you are homosexual. Homosexuals must know they are entitled to the same services whatever the circumstance. More importantly, homosexuals must have the assurance that in their professional life they will not be subject to discrimination or reprisal because they belong to a sexual minority.

Again, this is why we have to pass this act. The Canadian Human Rights Act is a concern for many people. The complaint procedure under the act starts with an investigation, followed by the

establishment of a tribunal and if someone is unhappy with the tribunal's decision the matter can be heard by an ordinary law court.

Most of complaints submitted to the commission concern prejudices in the workplace.

• (1235)

I regularly meet people who are homosexual and who are experiencing discrimination. Sometimes very borderline discrimination, not always as straightforward as what we hear from the Reform Party, sometimes a situation is not that cut and dried. Sometimes the discrimination is as clear as black and white, sometimes it is grey. It may be in the workplace, when you are passed over for a promotion because of your homosexuality, when you are excluded from a delegation because of your homosexuality. It may be in daily life, where you bear the brunt of all manner of seriously inappropriate remarks disguised as humour.

Our responsibility, in the coming years as today, is to make it possible for someone who discovers he or she is homosexual to state it openly, to be comfortable with it. To get to that stage, however,—and we are not yet there—conditions of non-discrimination must be put in place. The real victory will be the day when people in Quebec, or anywhere in the country, can define themselves openly as homosexual without fear of reprisal.

Just imagine what a tolerant society, an ideal society, an absolutely admirable society, we will be living in when the day comes that there is no longer any differentiation, any different labelling, of those defining themselves openly as homosexual and those who are heterosexual.

We must be clear on this. If the government goes on to the next step I will be the first to state—the government could have no stauncher ally than myself—that it has not only fulfilled a commitment to which it had subscribed in the past, and I will say this every chance that I get, it will have taken a profoundly dignified and worthy step concerning human rights, for once again when human rights are the topic in a parliament, there can be no political partisanship.

We must be very clear. I believe my hon. colleague from Chambly is a notary, and you all know what they are like about documents and papers, and that I respect. That is what you need to be like to be a notary, but let us not kid ourselves. The bill before us is not about employment equity. The example our colleague gave a little while ago about police officers was not particularly enlightened, because no employer will be taken to court, after we pass this bill tomorrow, for taking a person's sexual orientation into account for hiring purposes. That would be out of the question in human resources management policy.

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Even the Employment Equity Act, which the Reform Party opposed tooth and nail, does not require employers to hire people who are not competent. These myths arise from ignorance of the law.

I conclude by saying that I am a homosexual. I have already said so, and I am very proud indeed to be one. If you had a page deliver a pill for me to take to become a heterosexual I would refuse, because in my life, with my family, within my caucus, people have always known what I was. It is because people understood what I was that I saw homosexuality so positively. I do, however, understand that this bill before us also calls for respect for the concept of the family.

Families are special in society. Some of our colleagues, especially members of the Reform Party, might be tempted, rather awkwardly and with a narrow-mindedness that does them no credit, to vote against this bill saying, and you will not miss them, no voice is strident enough for what they have to say and no room big enough to resound with the inappropriateness of their discrimination. They will say: "Oppose this bill, because it calls the family into question".

I hope they will be honest enough to read the bill. I agree that the family is important in society. It can take all sorts of forms, not just the traditional family in which you and I were raised. One thing remains, and that is the family as a place for learning, for socialization and for mutual assistance. No one can deny that. However the bottom line is that no member should abstain or vote against this bill because they think it calls the family into question because that is not true.

• (1240)

Think how the stature of Parliament will grow if we send a clear message of non-discrimination with one voice. I hope the Reform Party will extend this generosity.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Madam Speaker, I will be standing for my intervention shortly, but before I do I will take this opportunity to say a few words through you, Madam Speaker, to the member who has just spoken on this issue.

In the last two and one-half years I have been in Parliament I have come to know the gentleman as a very fine individual. I am very proud to have him among my friends here in the House. I hope we will be friends as our lives progress no matter where our paths may take us. I speak and think very highly of the member, but we come at this from slightly different perspectives.

I concur and agree with him 100 per cent with regard to discrimination and the prevention of discrimination. Where we would divert is in the affirmative action that is bound to follow.

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As a direct result of this change in the legislation, is it the opinion of the hon. member that eventually we will be recognizing same sex marriages?

[*Translation*]

Mr. Ménard: Madam Speaker, the hon. member is my friend and, to tell you the truth, I would have preferred that some other member ask me this question. If there is a Reformer who understands and is sensitive to this bill, it is him. It is, however, their prerogative to decide who asks the questions and I will tell him two things.

I do not think this bill will lead to positive discrimination. Looking at things from a different angle, has the fact that the Canadian Human Rights Act prohibits discrimination based on religion led to positive discrimination for Catholics? Has the fact that the Canadian Human Rights Act prohibits discrimination based on, let us say, conviction for an offence for which a pardon has been granted resulted in employers hiring more pardoned offenders?

Again, this bill will not lead to positive discrimination in terms of employment equity, something for which we both worked.

In response to the second question—will this bill lead to de facto recognition of same sex marriages?—the answer is no. The best proof of this is that even though seven provinces and one territory in Canada have human rights codes prohibiting discrimination based on sexual orientation, none of them recognize same sex marriages. Yet I feel that same sex marriages will inevitably be recognized in the short, medium or long term. I am going to work very hard to see it happen.

I cannot tell you that this bill will automatically lead to legal recognition of same sex marriages. We are talking about two totally separate things. I think same sex marriages should be recognized because we cannot claim to reject discrimination based on sexual orientation without going so far as to recognize homosexual relationships.

• (1245)

But the law should be clear. The Minister of Justice was clear; the human rights commissioner was clear. We have in Canada seven provinces and one territory where one has not led to the other. I would say that in statistical terms—you know how statistics courses usually made us sweat in the past—there is no cause and effect relationship between the two.

Mr. Bill Graham (Rosedale, Lib.): Madam Speaker, further to the last question, I would like to ask the member for Hochelaga—Maisonneuve whether, in the province of Quebec, since measures were adopted to eliminate discrimination on the grounds of sexual orientation, that has posed social problems for the traditional family?

Can one say that, in the province of Quebec, the situation of the family—let us leave aside the marriage certificate, which is after all a formality—is worse since the passage of legislation promoting tolerance and respect for others?

You have spoken about causality, and I recognize that, in the circumstances, it is very difficult to draw hard conclusions, but could you perhaps help the hon. members sitting in this House by telling them whether people in Quebec are saying: “Well, for ten years now, Quebec has had a measure to eliminate discrimination against gays and, ever since, the family in Quebec has deteriorated, there is a clear deterioration of the traditional family in Quebec”?

Mr. Ménard: Madam Speaker, let me quickly say that, last weekend, I delivered a speech in Toronto and paid tribute to the hon. member who put the question, because I know he is a enlightened colleague.

That being said, the issue is the following: Has the fact that, since 1977, Quebec has recognized in its Charter of Human Rights and Freedoms sexual orientation as a prohibited ground of discrimination noticeably changed the family, or is there, in all the documentation on this issue, information suggesting that this recognition has changed the family or inhibited people from starting a family? This is the real issue, and I believe the answer is no.

After all, there is still a secretariat for family affairs in Quebec, family allowances are still being paid, and there are still people interested in starting a family.

One day, I visited a community organization on international family day, and met a person who had no university degree but a healthy dose of common sense and who suggested a definition of the family I have never forgotten. That person said: “A family is made up of people who love, help and protect each other”.

If we love, protect and help each other, we form a family. This definition can include all sorts of combinations. There are single parent families, blended families, nuclear families and families living with the grandparents. These are different families, but they all have one thing in common: their members love, protect and help each other.

This is absolutely fundamental and, again, we have to make it clear. I firmly believe in this principle as an individual and I personally adhere to it. My family plays a determining role, and I hope that some day you will meet my father, who has more or less my sense of humour. There are five children in my family, including a twin brother. I live on Viau Street and my parents are just around the corner. There is some good and bad in this arrangement, but I will not go into details. The bottom line is that the family is important, because it is still the place where solidarity is best displayed.

Sometimes things do not go well in my life, for example when the Liberals give me a hard time—it does not happen often, but it has been the case at times; luckily, the Chair is there to see that it does not happen too often. Each of us knows that when things are not going well, the only reality is the family.

Knowing we can count on our family makes us hope that it continues to exist, that it is recognized as an established value, and that it can take several forms. It goes without saying that many members in this House belong to families very different from the one I described and grew up in. However, the importance of the family remains and is affirmed in the preamble to the bill. The family is something that must be preserved; it is a value that must be recognized. Again, there is no link between making sexual orientation a prohibited ground of discrimination and any attempt to undermine the family.

• (1250)

[English]

Mr. Bill Graham (Rosedale, Lib.): Madam Speaker, it is a privilege to rise and discuss the motion before the House today.

I would be tempted to review some of the factors that relate to the history of this measure. However, the minister in his introduction clearly indicated the importance of the measure, its historical background and origin.

It is worth remembering this is not the first time this matter has been debated in the House. It is not the first time we have had to concern ourselves with this issue, a matter which an all-party committee of the House recommended in 1985 be done. It is a matter which the government said in the speech from the throne would be done. It is a matter the Minister of Justice has on many occasions said in response to questions in the House would be done. It is a matter the Prime Minister said in the House would be done.

It is thus time that it be done. It is time because justice and humanity in communities demand it, because the laws of the country which are being interpreted by our courts demand it.

We as ordinary citizens recognize that if we are to live in a society based on understanding, compassion, tolerance and respect for one another, precisely the qualities necessary in today's society, if we are to confront the unease being caused by rapid social change, by circumstances difficult for many of us to grasp in our lives, these very qualities necessary for societal survival, for the survival of our communities and the survival of our countries are precisely the qualities that make it required for us as we debate in the House to adopt this measure.

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There are consequences of discrimination of which we must be aware and which even in a country as privileged as ours we cannot afford to ignore.

There are other parts of this world where discrimination has led to terrible social consequences. I do not talk of the evils of the past. I talk of the world in which we live today. I talk of the Rwandas, the Bosnias. I talk of suffering countries like that. If we trace the underlying evil, which is man's violence unto man, it is largely from circumstances that have arisen from discrimination.

The learned Judge Goldstone who until recently was prosecutor at the Hague tribunal for the Bosnia war crimes had this to say about discrimination, learning how discrimination leads to genocide. I do not suggest the conditions are the same in Canada. He had this to say, which it behoves us to remember if we wish to avoid the lessons other peoples have to teach us: "This kind of brutal ethnic or religious warfare is just discrimination taken to a violent phase. The victimized group must be dehumanized or demonized. Once this is done, it frees ordinary people from the moral restraints that would normally inhibit them from doing such terrible things".

There is a concern in this country that such moral constraints can be loosened. There are voices out there. I could bring items into the House items I have pulled from the Internet that incite people to violence based on other people's sexual orientation, race or religion. These items incite people to eliminate homosexuals from the face of the earth. We are not free from these influences. They are prevalent. They are here and we can find them.

• (1255)

That is why it is most important this measure be adopted. That is why it is supported by the National Association of Women and the Law, the Canadian Bar Association, the Canadian Jewish Congress, B'nai Brith, the Canadian Foundation of University Women, the Canadian Association of Statutory Human Rights Agencies, among others.

I have the privilege of representing a riding in which it is said there is the largest gay and lesbian community in Canada. This in many ways does not make us remarkably different from other ridings.

We are an urban riding with all the attributes of that. In that sense we are unlike many of our rural counterparts. There are other ridings across the country where similar conditions prevail.

My riding is particularly fortunate to have within it a large section of the gay and lesbian community, at least in the city of Toronto, and in Ontario.

There are two faces to this community in my riding. I invite members concerned about this issue and who would like to learn more about it to come to my riding and examine with me those

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different faces. There is the positive face of people who are making their lives, carrying on their lives and making contributions to our society. There is another face, a face of unhappiness, of worry. Particularly, it is the face of youth who come to downtown Toronto, youth who have been discriminated against.

They have been driven from home by perplexed or unsympathetic parents, from school where they have been treated like outcasts, where it is permissible to be discriminated against because of one's difference. It is legally permitted in a way that would not be tolerated if one were of a different religion, race or colour.

In my riding we have organizations like the gay and lesbian youth hotline. It deals with the crises in these young people's lives. They are suffering and unable to cope with the discrimination they have to face at a young and extremely vulnerable age.

We have institutions such as 519 Community Centre directed by Alison Kemper, a dedicated board and many volunteers who have given years of service to bring together all the elements of our community, those who are well off and those who are not so well off, to deal with the issues and the fallout that discrimination produces in people's lives.

I am proud to report there are some 600 organizations similarly spread across the country dedicated to bringing people together, to making society work not to discriminate, not to divide, not to make one group feel inferior to another, but to bring us all together.

There is another face in my community. It may be contrasted with that. It is the face of a gay and lesbian community of people who have established themselves, who have overcome discrimination, who have established healthy, productive lives in our communities, who work hard and who contribute to society, living stable lives, who contribute to the well-being of our city where often we face crises and breakdowns of social values.

This produces crime, violence and problems that often result from poverty and an inability to take advantage of what our society and our economy can offer. Many who argue against this measure base their case on a sincere belief that social stability is based on the family.

I subscribe to the view that the family is the cornerstone of social stability. If we threaten that in any way, we will be contributing to the lack of stability in society.

If those people were to come to my riding of Rosedale they would find that exactly the contrary prevails. If we are interested in a healthy, stable community, how can we tolerate a situation where discrimination is tolerated? It puts a part of our citizenry in a disadvantaged position and creates all the problems that entails.

Some people have said this measure is directed toward a small proportion of our population as if we were trying to give special

rights to a small group and therefore this should not be important. The academic literature estimates this proportion of the population as ranging from anywhere as low as 3 per cent to anywhere as high as 10 per cent. If we believe the 3 per cent figure, we are still talking about 900,000 people in a country of 30 million. If we subscribe to the 10 per cent figure we are talking about three million of our fellow citizens against whom we say we are entitled to discriminate because of their sexual orientation.

• (1300)

The family is threatened in today's society not by measures which extend justice, tolerance and respect to others but by serious social problems which have led to high divorce rates and other problems. These are issues which we must address. We cannot persuade ourselves that these issues will be resolved and addressed if they are done so at the expense and the sacrifice of the rights to justice of our fellow citizens; citizens who are making an effort to make a contribution, who have been recognized already by eight provinces which have sought to eliminate discrimination in areas covered by their jurisdictions.

Private firms such as Bell Canada and the Toronto *Sun* ensure that in their employment practices they do not discriminate. The federal government has recently announced, to its credit, that it will ensure in its employment practices it too will not discriminate against its employees based upon sexual orientation.

Why is this? The answer is simple. It is an answer that should appeal to my colleagues in the Reform Party who search for an economic rationale, quite often wisely, in the social measures we seek to achieve in the House.

Why is it that private firms would remove discrimination? Why is it that universities would remove discrimination? They give pension rights even though they pay extra taxes and are not given the same tax break, although the people who pay into them pay the same taxes. Why is it that these private firms and other individuals do this? They do it because they recognize it is in their economic interest to do so. It is to their advantage to do so.

Discrimination whether based on race, religion or on any other ground is counterproductive. It denies opportunities to qualified people for a reason that is totally extraneous to their qualifications and thus is counterproductive. It impoverishes a firm, it impoverishes a nation, by putting a barrier between the way of qualified people and their access to opportunity. Thus, it impoverishes us all just as I suggest to members of the House that its elimination will enrich us all.

Cannot this Parliament, this federal government, enact into law this measure which is justified not only on the basic grounds of decency, justice and humanity, but on the economic and social health of the nation as well?

We are not alone in grappling with this measure. Other countries, other societies, are also concerned with this. It is a complicated issue. It arises out of our evolution as a society, as a democracy and as individuals. It must be treated with great respect. If we look at what other societies are doing, we see that they too are adopting similar measures.

I had the great privilege of teaching public international law before I was elected to the House. I had occasion to look at what the European Community is doing. The European Convention on Human Rights, which to some extent is the inspiration of our own charter, prohibits discrimination. The European courts have interpreted those prohibitions in a way which strikes down national laws which discriminate.

I recommend to members of the House the Dudgeon case before the European commission and the European court on human rights, which examined this issue when it put into question the criminal laws of Northern Ireland. It came to the conclusion that in spite of the fact these laws were rooted in centuries of practice, they could not stand in the face of a modern view about discrimination.

The European commission covers a vast range of societies, from Greece and Spain in the south right up to the Nordic countries of Europe. It covers Protestant and Catholic societies. It has examined a whole host of complexities of modern societies and has come to the conclusion that discrimination of the type we are discussing today cannot be permitted in an enlightened, tolerant and modern society if we are to go into the 21st century in conditions which will be socially productive. I recommend that model to the House. I recommend the literature from Europe and I recommend the cases to members who are troubled about what this measure is about.

• (1305)

We have talked about what this measure is designed to do, but what about what this measure is designed not to do? It is not, as was suggested by the member for Hochelaga—Maisonneuve, designed to create a new form of marriage. That has never been and the minister never suggested that that would be. In fact it is clearly said in the preamble to the bill that it will be preserving our traditional family. It is not designed to confer special status or confer special rights on anyone.

There are still concerns about it but there are also some wildly exaggerated ones. I have heard it said by some that this will lead to a problem of pedophilia. Pedophilia is properly condemned in the Criminal Code of Canada. This was said by the member for Hochelaga—Maisonneuve. It is fantasy to suggest that a measure like this could be interpreted in a way that would overrule the criminal law provisions of this country.

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In no case reported in this country has it ever been suggested that an assault or other form of criminal act could be justified because of a religious, racial or other characteristic of a person who has committed that act. Why would it be extended in these circumstances? As a lawyer by background, I find such suggestions fanciful and designed to mislead.

We have also heard some comments based on psychiatric evidence that was rooted in the fifties and led to the most atrocious conditions being perpetrated on people. People were given lobotomies in the fifties on the basis that they could be cured of their sexual orientation. The psychiatric community of those days believed what today would be considered values that are totally out of the middle ages. That is not modern psychiatry. Lobotomy practised on people is something rooted in a misunderstanding of human nature and a misunderstanding of the nature of humanity.

Similarly, we are told that the family will be threatened by the existence of such legislation. That matter was addressed by the member for Hochelaga—Maisonneuve. My parents' generation believed the family would be threatened if people who were not married lived together. Today many people who are not married live together and we do not discriminate against them. In previous societies they were discriminated against. The laws in respect of heritage for a long time discriminated against those who were born out of wedlock.

Can anyone imagine we would permit such discrimination in society today? We have moved. We have evolved. We will always move. We will always evolve. We recognize common law marriages today which is completely different from the situation that prevailed in my parents' time.

I am not suggesting that all the solutions we have found are perfect. But I am suggesting the solutions that we have found which are rooted in tolerance, mutual respect, and decency and a removal of discrimination are far more likely those that will aid in the resolution of social problems than others.

[*Translation*]

I have referred to the provinces. Eight have passed legislation eliminating discrimination on the grounds of sexual orientation. Quebec adopted a similar measure ten years ago, and I asked the hon. member for Hochelaga—Maisonneuve whether he has noted any threat to the family as a result. I believe his reply was clear and convincing. There is no evidence, not even a hint, that there has been any cause and effect relationship between that measure and the status of the family.

• (1310)

The same can be said about other provinces. No doubt that is the reason the Bloc supports this measure and indicates that we can go

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beyond the deepest political differences that separate us when human rights in this wonderful country are at stake.

I congratulate the hon. member for Hochelaga—Maisonneuve, as well as the hon. member for Burnaby—Kingsway, for all of their efforts over the years to advance such measures and to ensure that each and every Canadian citizen can enjoy the same dignity and independence.

[English]

In conclusion, it is a great privilege to be a part of this House. It is always a privilege to debate measures which relate to the well-being of our country. There are times when I have been in this House and have wondered how serious the things are that go on here. There are days when one wonders what we are doing here. I suggest to those of us who are here today that we are here debating our society, ourselves and our notions of respect, tolerance and the dignity of mankind. There could be no greater calling or privilege for us than to address these measures.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Madam Speaker, for some members in the House today this vote will be very easy; it will be just a matter of coming in and doing it. For other members in the House today this vote is going to be much more difficult and that is on both sides of the issue.

The one thing that does unite all members, at least I pray it does, is that all Canadians share a bedrock value and do not discriminate against one another. It is our shared values that at least give me hope that our country and our legislatures including this one will fumble on into the future and things will turn out just fine, perhaps even in spite of us.

As my colleague from Rosedale just mentioned, today we are privileged to be speaking to a very important consideration that strikes at the heart of the deepest convictions and personal values of many people. These should not be taken lightly.

When I spoke earlier I mentioned my friendship with the member for Hochelaga—Maisonneuve which I enjoy and value very much. This friendship might seem passing strange, the Bloc member for Hochelaga—Maisonneuve who is gay and proud of it, and myself, a member of the Reform Party from Edmonton Southwest neither of whom could speak each other's language very well when we arrived at this place, and I still cannot. The thought of voting against a measure that would cause him pain hurts me. I do not want to do it because I would never vote in favour of a measure that in my view would add to discrimination against any human being.

All of us in the Chamber if not in our immediate family as is my case, have members of our extended family who are gay. It is a fact of life and something we cannot pretend does not happen. None of us would want to see persons whom we love and our friends discriminated against for any reason.

• (1315)

I concur with the member for Rosedale when he mentioned that people who would throw out the red herring of pedophilia are not bringing a measure of dignity or worth to this debate. Pedophilia is a criminal offence that has nothing to do with sexual orientation. Pedophiles can be heterosexual, bisexual or homosexual. It has nothing to do with sexual orientation.

As well, if we were to rank a threat to the family, certainly amending the Canadian Human Rights Act to include sexual orientation would not rank as high as tax policy. The tax policy is a far greater threat and far more damaging to the traditional family than adding the term sexual orientation.

Why then would I speak against the motion? I do not think that by adding the two words sexual orientation to the Canadian Human Rights Act will change anything. It will not change discrimination against gay persons one iota.

If I felt there was any evidence to support the notion that by amending the Canadian Human Rights Act to add those two words would somehow magically change the Canadian populace so that there would be no more discrimination against gays or anyone else, then I would vote for it in a minute. But it will not. All that will possibly change that is education and enlightenment.

Members who have spoken expressed concerns saying that the enhanced dignity of gay people would be achieved through amending the human rights act are already there. As a matter of fact, the Canadian Human Rights Act is particularly eloquent in its defence and the statement of values that we as Canadians share:

The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that every individual should have an equal opportunity with other individuals to make for himself or herself, the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices—

That is, at least in my opinion, an eloquent statement of values that virtually every Canadian can share.

Then regrettably, again in my opinion, we add a list:

—based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

Now we want to add sexual orientation.

The statement of values that preceded the list is of such magnitude and beauty that if we could somehow imbue Canadians from coast to coast with those values as an obligation and right of citizenship, none of us ever should fear being discriminated against. As citizens we would know that we have an obligation not

to discriminate against anyone for any reason. Then we would not be quibbling over whether a particular group is on or off the list. It is not the values that some Canadians have a problem with, it is the notion of a list. There is the concern that having made the list, this will then evolve into affirmative action.

• (1320)

We went through an affirmative action debate recently and another debate that had to do with hate crimes, Bill C-41. In that bill crimes were defined as worse and subject to more severe penalties if they were committed against persons identified on a list. That list included sexual orientation.

The net result is that if someone is lying in a ditch with a cracked skull it is a more serious crime if the person happens to be one of the people on the list than it is if a person is not on the list. That is absolutely preposterous.

This brings us to this bill. By amending the human rights act to include sexual orientation are we doing the same injustice to Canadians by suggesting that somehow we have to have a list about whom it is wrong to discriminate against?

It is the act of discrimination that is wrong. It is not determined to be wrong by whom the discrimination is against. It is every bit as wrong to discriminate against a person that is gay, a female, a person of colour or religion as a white male. Discrimination is discrimination.

If we did not have a list how would we go about having recourse if someone is discriminated against? If we did not codify what is right or wrong as we have been doing through the charter of rights and freedoms, but had a sense of what is right and wrong through our common law heritage, where would that put persons that are discriminated against? How would there be recourse and wrongs be righted?

That is the problem, the nub of the question. By adding the term sexual orientation to the Canadian Human Rights Act that is not going to be addressed. Nothing is going to change as a result of the change. We are going to be in exactly the same situation tomorrow as we are today, not one bit further ahead.

How do people who have been discriminated against find justice under the current system? A complaint is filed with the Canadian Human Rights Commission. What happens then? Well, you grow old, that is what happens. It might take three years or more before anything happens and justice delayed is justice denied.

If someone is discriminated against in employment or for any other reason, it is no different than from stealing from that person. If you steal a person's potential and future that is the same as taking money from their pocket.

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We need all Canadians to share a common value that we do not discriminate one against another and that common value should be clearly understood and shared on a federal, provincial, municipal and corporate level. As the member for Rosedale said earlier, corporate Canada is light years ahead of public Canada as far as its relations with its work force is concerned. This is an absolute non-issue as far as the vast majority of Canadian business is concerned.

How do people who have been discriminated against get recourse? It would seem to me that it would be worthwhile if we could contemplate a situation whereby a person having been discriminated against would be able to go to a tribunal or a justice of the peace or some such body that greater minds than mine would determine, and make his or her case that he or she has been discriminated against. By convincing that body in short order that the person has a case, the person who has been discriminated against should be able to sue then and there. The benefit of that would be to bring community values into play.

• (1325)

For example, in Alberta there was a recent case everyone should know about of a gay person who was teaching at King's College, a religious institution. When he came out of the closet he was fired. He complained to the human rights commission in Alberta. His case was not supported.

On the surface this would seem to be a pretty clear cut case of a person being discriminated against because of his sexual orientation. However, I put to the House that in exactly the same situation, if that person had been working and teaching at the University of Alberta, which is a public institution, not a religious institution, then that person would not have been contravening the basic precepts of the institution for which he was working, and exactly the same jury in exactly the same circumstance would have found for him.

Common sense does come into play in the interpersonal relationships of people in the country. If we find the outcome of every single circumstance that we as citizens find ourselves in is determined because it has been codified and is written in law, then we will be removing the opportunity for the people to have their own community standards and community values.

That is not to say we would find ourselves in a country of patchwork where the strongest would survive here and the strongest would survive there. That is not my point at all. I am saying that there are two sides to every issue. Most Canadians live and let live and will look for reasons and ways to accommodate each other.

As we progress more and more into the realm of codifying relationships, the opportunity for discourse and settling things is taken away. This brings resentment and fuels reverse discrimination. To a large degree that is why affirmative action has been

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discredited in the United States and is being reversed at exactly the same time we are implementing it here in Canada.

I had occasion to speak about just this. It has troubled me for quite some time. I have agonized over my approach, how I would speak to it and the position I would bring to this debate. A couple of weekends ago I had coffee with a friend in Minnesota who is gay. He told me that he almost ran off the road driving past the Humphreydome, the home of the Minnesota Vikings. On the billboard which flashed a sign to buy tickets, there was a slogan "remember gay pride week next week".

He said he could not believe it. He drove around the block to see if he was really seeing that sign, but there it was. He said that even 10 years ago he could not have visualized the remotest possibility of seeing a sign like that.

• (1330)

His life has not been made easy by the fact that he is gay. I asked him: "Are you gay because you want to be gay or are you gay because that is the way you were born?" His response was: "Why would anybody in their right mind choose a lifestyle like mine? Why would anybody go through the same grief I have gone through in my life, in family, in job, in housing and in everything people have talked about?" However, he said the wrong way to change this is by codifying or driving it through legislation. The right way to change things is through education and enlightenment.

That is the reason, although I am troubled, I feel confident that when I vote against this measure I will not be voting against people who are gay. I will be voting in the greater light by saying we must speak to the root problems of discrimination, not the surface symptoms.

I know the people in my constituency are divided on the issue. I know they are not divided on the notion of extending benefits to people because of their sexual orientation. I know people in my constituency are very concerned that I do the right thing and that I represent them in a way they would feel comfortable with and in a way they would be proud of. In this instance I know I am representing not just the people who voted for me but all the people of my constituency.

I am very conscious that the country is divided on this issue. Parliament is divided on this issue. It is a very difficult decision for many of us.

Mr. Geoff Regan (Halifax West, Lib.): Madam Speaker, I thank the hon. member for his comments. I have always enjoyed listening to his speeches in the House. I appreciate that he has a more enlightened view than other members of his party on a variety of issues.

I was interested to hear the speech of the hon. member for Rosedale, particularly a quotation from the learned Judge Gold-

stone, the leading prosecutor of the war crimes in Bosnia. He talked about Bosnia and what had happened there in terms of the terrible killings and atrocities and how that came to be possible. He said dehumanizing people loosens the moral constraints and allows people to demonize and dehumanise them and ultimately leads to genocide.

I believe that is related to this issue. What we are talking about in having a list of prohibited grounds of discrimination in the human rights act is who we can treat as less than human. History is replete with cases of society's treating certain individuals as less than human beings. The human rights act is where we say because someone fits in this particular category we cannot treat them as less than human.

For example, there have been times in the past when people who were black or of other races were treated as less than human. Society said it was all right to do that. Even the courts said it was all right to do that. We are saying to the courts, by saying we cannot discriminate on the ground of race, that is not right any more, we cannot do that.

There was a time when Jews were treated as less than human. People of other religions were treated as less than human. We are saying that is not permissible.

There were times when children were treated as less than children. Society said it was all right. The courts said it was all right. However, the Canadian Human Rights Act states we cannot discriminate on the basis of age, ethnic origin, colour, religion, sex and so on, because these are people who have at times in the past been treated as less than human.

It used to be that children who were born out of wedlock were the outcasts of society and were treated as less than human. However, they cannot be treated that way today because the question of family status is listed here.

If there are any outcasts in this day and age, gays and lesbians are treated by much of society as the outcasts of this time.

• (1335)

When I think of Christian principles and the life of Christ, who showed more concern for outcasts than he did? From my point at least, my Christian values require me to support this bill. It is not okay to treat these people because of their sexual orientation as less than human.

Mr. McClelland: Madam Speaker, I concur with much of what my friend from Halifax said. He reinforced much of what I said in my dissertation. I do not argue with the member opposite.

My concern is that I do not think this bill will do what he and others expect it will do. I do not think there is even the remotest possibility that by adding two words to the Canadian Human Rights Act the intent will come through. This is more window dressing.

Be that as it may, on the issues raised earlier and the notion of dehumanizing people, we are in another age of enlightenment and that ages of enlightenment are ongoing. Major societal changes are evolutionary rather than revolutionary.

On the very issues we are debating here today, as I look in my constituency people of younger generations have a different mindset by and large than people of older generations. That does not mean the people of the older generations should not be respected. That means very likely the very issues which are so troublesome today will evolve and 10 or 20 years from now will not be at issue at all because society is in evolution. Changes do not come rapidly, much as this institution is protected from rapid change by the way it functions. That is probably good. It is a check and a balance.

I suspect our culture and our country and our society at large are far more sensitive to the notion of genocide and to dehumanizing people than other generations that preceded us have been. We spoke to that at great length in the debate last week concerning the Armenians and genocide and the term and the use of the word genocide.

I do not think we are all that far apart. People who have a different and just as passionately and strongly held view are worthy of the same respect as people on the other side of the issue.

Mr. Bill Graham (Rosedale, Lib.): Madam Speaker, I congratulate the hon. member for Edmonton Southwest for his thoughtful consideration of this issue. It is a consideration and a thoughtfulness one would come to expect from the member.

I hope he will not be hurt if I tell him my reaction to his comment is that it is the rankest sophistry to say that one is in favour of eliminating discrimination or against discrimination but against a measure which is destined to eliminate that discrimination.

What does he say to those who say it is okay under federal legislation to discriminate? Will he stand in the House when other measures are talked about which deal with discriminatory measures based on sexual orientation in federal legislation and speak out against them? Will he denounce them?

• (1340)

Should members of the courts and human rights commissions read the statement he made in the House today as the reasoned argument that those who voted against this measure are not in favour of discrimination but just have some trouble with this measure and therefore our courts can proceed with the work they are already doing to eliminate discrimination? They could say that, after all, the will of the House is clearly expressed by that member that even those who vote against it are in favour of eliminating all forms of discrimination.

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Is the member advocating we should take all the other lists such as references to ethnic origin, colour, religion, age or sex from the bill for the reasons he suggested? Does he not subscribe to the point made by the hon. member for Halifax that there is a historic reason why these provisions are in the bill?

These provisions are in the bill because those were categories of people who were discriminated against by a dominant class. That is the position we find ourselves in with respect to sexual orientation today.

Given what he said about his wish to get rid of discrimination, he should embrace this concept. If we have to clean up the bill to make it better and more effective along the lines he suggested, let us work on that together.

At least let us address this issue in an efficient way at this time.

Mr. McClelland: Madam Speaker, I appreciate the opportunity to expand on some of the difficult aspects of the approach I brought to this.

I want to make it clear that I am absolutely, totally and completely against the notion of discrimination to anyone. Anybody who knows me or my family knows this to be true. This is not something that just happened. It is the way I have lived my life. It is the way our family is and has always been.

It is not okay to discriminate, it is not right, but both sides of an issue must be given the opportunity to present their cases without being considered something less than human.

It is not wrong to question. It is not wrong to debate. It is not wrong to oppose even difficult legislation such as the situation in which I find myself.

The hon. member from Rosedale said I am not insulted by his use of the word sophistry, and how can I be on both sides of the issue at the same time. The Liberals opposite do it all the time. I have had a great teacher. This is not that simple a question.

I would get rid of the list in its entirety and make it the value that we do not discriminate, not against a list.

Mrs. Georgette Sheridan (Saskatoon—Humboldt, Lib.): Madam Speaker, I will be sharing my time with the hon. member for Nunatsiag.

It is with some impatience that I rise today to speak in support of Bill C-33. I say impatience because the policy embodied in this legislation has long been supported by the Liberal Party of Canada.

Some 20 years ago the Liberal Party of Canada agreed that discrimination on the basis of sexual orientation should be prohibited. The Liberal Party passed a resolution in 1978 that urged a revised Canadian Constitution to guarantee fundamental human

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rights in order to prohibit discrimination by virtue of, among other things, sexual orientation.

In 1985, just over 10 years ago, the Liberal Party participated in an all-party House of Commons committee that unanimously endorsed the resolution that this amendment should be made. More recently, at the 1994 biennial convention of the Liberal Party a resolution supporting this amendment was passed.

The amendment was promised during the federal election campaign. I campaigned on this promise. The Prime Minister has put his commitment behind this both during the campaign and in putting forward this legislation through the justice minister.

Speaking of the justice minister, he has repeatedly promised in the House that this commitment would be honoured. The *Star Phoenix*, the home newspaper in Saskatoon, wrote an editorial on March 26 with the caption that this protection was long overdue.

• (1345)

It also urged politicians to take the risk of doing the right thing even if it might not be the most politically expedient thing.

If everyone agrees that this is long overdue what has been the hold up? Why did this amendment not pass years ago? It is my belief that the biggest obstacle to this amendment is lack of information. Misinformation is sometimes deliberately put and it can be a complicated issue in terms of legislation and legalities.

Let me take this opportunity to set the record straight. Let us look at exactly what Bill C-33 does and does not do. This section applies to federal legislation. It applies to employment in and the provisions of goods and services delivered by the federal government and federally regulated businesses such as banks and airlines. These organizations employ approximately 10 per cent or 11 per cent of the workforce. Most employers such as schools, small businesses, religious and cultural organizations are regulated provincially and will not be affected by this proposal.

This proposal is not particularly earth shattering either. The amendment to the Canadian Human Rights Act merely brings the federal legislation into line with most corresponding provincial and territorial laws, with court decisions that have provided gays and lesbians with the same protection from discrimination under the Canadian Charter of Rights and Freedoms as other Canadians, and with the unanimous recommendations of the 1985 all-party parliamentary subcommittee report.

Eight provinces and territories, including my home province of Saskatchewan, have already amended their human rights legislation to include sexual orientation.

Why is the amendment needed? This is a question we constantly hear from the members of the Reform Party. Why do we need this protection for this group in society? As it stands right now there

are two ways individuals can be protected from discrimination in this country. The first is under the Canadian Human Rights Act to the extent that it applies to the individual in question. The second is under the Canadian Charter of Rights and Freedoms.

The difficulty is that when there is a gap in either of those pieces of legislation the Canadian who is a victim of discrimination must resort to the judicial system. We all know that resorting to the judicial system can be both expensive and risky.

I cite as an example two recent court decisions on the matter of sexual orientation. First, the Ontario Court of Appeal has suggested that sexual orientation ought to be read into the legislation when it is not present. Second, the Alberta Court of Appeal stated that is indeed not the case. The only way to resolve that discrepancy is through the Supreme Court of Canada which may or may not hear the case.

A more simple approach would be to codify this protection in federal legislation, which is what this bill is here to do today.

[*Translation*]

No one in this country should suffer discrimination because of their sexual orientation. This is a matter of fairness and fundamental justice. It is not up to us to judge people's homosexuality or heterosexuality, but we must protect all Canadians from discrimination in our society.

Both the courts and the people of Canada have recognized that gays and lesbians are a group at risk. They have been disadvantaged historically, stereotyped, they have suffered considerable prejudice and discrimination in our society. No one should be considered any less than a full member of society because of their homosexuality.

[*English*]

As I said earlier, the greatest impediment to passing this legislation is ignorance of the facts. The controversy surrounding this issue particularly in the media, which is fuelled by the party opposite, has resulted in many of my constituents being confused. They have written to me with questions about what this legislation will do. We cannot be disrespectful of the emotional side of this issue or of the deeply held feelings of many Canadians, including some within my own caucus.

However, my belief as a mother and as a teacher has always been that the best antidote to misinformation is information. Let us have a look at the bill to see what it will do. In framing my responses I will refer questions in a generic form that I have received from my constituents.

The question most often asked is related to the special benefit issue. This question is fueled by the Reform Party, that somehow Bill C-33 is to give special benefits to this group in our society.

The proof is in the pudding. Sexual orientation has been considered prohibited grounds of discrimination under provincial law since 1977.

• (1350)

No one could credibly argue that the provincial legislation has conferred special rights on any other groups protected by that legislation. Although each of the characteristics is now expressly covered by the existing statute, it is obvious that no special rights are conferred. It will be no different for sexual orientation. The amendment will prohibit discrimination in areas of federal jurisdiction, including employment and access to goods and services.

Another type of question I have often received from constituents has to do with whether the amendment will lead to benefits for same sex partners. That is unlikely to be the case. In fact, it will not be the case given the experience we have had with a similar provision in provincial legislation.

Another question is will the legislation not lead to adoption by same sex couples. The answer is no. Matters of adoption are primarily under provincial jurisdiction, not federal. The amendment does not in any way deal with matters covered in Bill C-167 proposed by the Ontario government in 1994.

The amendment deals with discrimination in employment, accommodation and provision of services and nothing else. It does not condone or condemn homosexuality or heterosexuality.

Section 2 of Bill C-33 simply adds to the existing legislation sexual orientation as a grounds of prohibited discrimination. I highlight that because a question related to the same sex adoption question concerns the impact this legislation will have on the family.

There is a belief that protecting gays and lesbians from discrimination will bring about the end of the family as we know it. I am offended by the implication that somehow gays and lesbians are not part of the Canadian family. Let us not forget the human side of this issue. Gays and lesbians are not aliens from outer space. They are our brothers, sisters, grandchildren, sons and daughters.

Will Bill C-33 lead to the destruction of the family? No, it will not. The proof lies partly in the application of existing provincial laws, but also in the preamble to Bill C-33. The second part of the preamble states:

And whereas the government recognizes and affirms the importance of family as the foundation of Canadian society and that nothing in this act alters its fundamental role in society;

Another question of great concern to many of my constituents is what impact this legislation might have on churches and religious organizations in terms of their teachings and with regard to the

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hiring and firing of their staff. There is nothing in the Canadian Human Rights Act amendment that would affect that.

In relation to the matter of the churches, the amendment has been endorsed by the United Church of Canada, the Anglican Church, B'nai Brith, the Canadian Jewish Congress and the Canadian Conference of Catholic Bishops, which is of special interest to some people in my constituency. The Canadian bishops are in step with the opinions of their church community and Canadians in general. The polls have shown that most Canadians support the amendment.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I moved here some 30 years ago from the United States. I have witnessed some terrible cases of intolerance and discrimination south of the border. When we moved to Canada one of the first things my wife and I noticed was the huge difference, and what a pleasure it was. I have found over the last 30 years that Canada is indeed a very tolerant society.

• (1355)

Does the member not agree that this kind of legislation questions the judgment of our society? By putting out this kind of legislation are we saying that we cannot trust Canadians as people to be non-discriminatory, that we will legislate it so they must be?

I believe Canadians are a tolerable group and that the House should have trust in the people of Canada. I would like a comment from the hon. member.

Mrs. Sheridan: Mr. Speaker, Canadians are not tolerable but tolerant. We are proud of that tolerance and of our range of views.

My province of Saskatchewan is no different from any other part of Canada. One of our most famous native sons is a former prime minister, the Right. Hon. John Diefenbaker, who brought forward the first Canadian bill of rights to protect, among other things, ethnicity, which was of particular concern to him.

Canadians are right to look to their Liberal government for leadership on this issue, to stand up for the vulnerable and not to do the politically expedient thing, not to govern by 1-900 numbers like the Reform Party.

Canadians would be ill advised to rely on the Reform Party for any assistance on this very important issue. The members of this party are pen pals with Newt Gingrich and the American right. This is a party that would take us back to the days of "Father Knows Best". This is a party that when Pat Buchanan burps, its leader says "pardon me".

The Speaker: It being almost 2 p.m. we will now proceed to Statements by Members.

S. O. 31

STATEMENTS BY MEMBERS

[*English*]

NATIONAL VOLUNTEER WEEK

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, April 21 to 28 was National Volunteer Week in Canada. This week provided an opportunity to acknowledge and celebrate the contributions made by volunteers in every community across the country.

There are estimated to be over 10 million volunteers in Canada. They donated more than one billion hours of service each year at an economic value of \$16 billion.

Volunteers work for many causes including literacy, the environment, community safety, health promotion, elderly outreach and children's welfare. All volunteers make a difference, a huge difference to our communities and our society.

Volunteer centres spearheaded a wide variety of events in many communities. I took part in a tree planting ceremony with the Lambton Elderly Outreach and visited mall displays in Strathroy.

I congratulate the many volunteers in my riding of Lambton—Middlesex who donate so many valuable hours and talents to make it a better community to live in, as do the millions of volunteers throughout Canada.

* * *

[*Translation*]

JOB CREATION

Mr. Jean Landry (Lotbinière, BQ): Mr. Speaker, I am particularly delighted to draw your attention to a new idea developed by the Centre d'initiative pour l'emploi de Lotbinière-Ouest. This non profit organization run by volunteers works to create jobs for people between 18 and 40. Up to now they have lent venture capital to individuals.

Since March 22, groups of five or more working to create jobs in projects benefiting the community can get a loan of up to \$10,000.

To date, this organization has made it possible to create or consolidate 221 jobs in my riding. With innovative ideas such as these, we will one day make our part of the country prosperous. Hats off to the Centre d'initiative pour l'emploi de Lotbinière-Ouest.

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[*English*]

WORLD FIGURE SKATING CHAMPIONSHIPS

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, a city is more than bricks and mortar. The heart of a city is really

the people who give life to a community. Edmonton is blessed with thousands of citizens who may always be depended on to come through for the city when the call is made.

The World Figure Skating Championships recently held in Edmonton provide yet another example of Edmontonians coming together to welcome the world. Under the leadership of Don Sprague, Edmontonians from all walks of life have come together to host the best and the most successful world championships ever.

To all the competitors, to all the volunteers and to the citizens of our fine city I say well done and thank you. Again we have proven that Edmonton is indeed the city of champions.

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[*Translation*]

UNEMPLOYMENT INSURANCE REFORM

Mr. Gilles Bernier (Beauce, Ind.): Mr. Speaker, some provisions must be amended in the employment insurance bill, including the number of hours, which is too high for many workers to be eligible, and the intensity rule, which adversely affects workers.

• (1400)

As well, the contribution rate of employers and workers should be lowered, instead of accumulating surpluses in excess of \$5 billion in the employment insurance fund, given that the current rate has a negative impact on the level of employment.

Lowering the rates would pump new money into the Canadian economy, which would result in the government reducing payroll taxes and encouraging the private sector to create more jobs. I urge the Minister of Finance to reflect on this.

* * *

[*English*]

IMMIGRATION

Ms. Maria Minna (Beaches—Woodbine, Lib.): Mr. Speaker, last September the Minister of Citizenship and Immigration announced a new partnership between the federal government and non-governmental organizations called the 3/9 pilot project.

The project was designed to help resettle additional refugees in response to the United Nations appeal for help for victims of the Yugoslav conflict. I am proud to say that Canadians answered the call and I will mention two cases only.

The congregation at the Sydney River United Church in Cape Breton helped to bring two Bosnian refugee families to Cape Breton. The Burdzovic family and the Pehar family have both settled in the Ashby area of Sydney.

The citizens of Biggar, Saskatchewan know what it means to offer a helping hand. The town, which has just over 2,000 people, has sponsored the Knezevic family. Local people organized a shower and about 250 people came with gifts. Mr. Knezevic is already working at a local greenhouse.

I commend all the sponsors that extended a helping hand to those in need. I welcome and wish the newcomers well.

* * *

[Translation]

DEATH OF A CUM POLICE OFFICER

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, residents in my riding of Vaudreuil are still in shock following a terrible crime committed in the municipality of Senneville.

After stopping a vehicle for a routine check, Officer André Lalonde, from Montreal's police station 11, was ruthlessly gunned down by an individual who fled the scene.

This tragic murder of a police officer, the second one in five years in the Montreal urban community, has generated fear and dismay among the residents of my riding.

On behalf of the residents of Senneville and the riding of Vaudreuil, I want to offer our deepest sympathy to the family of the victim.

* * *

CERCLE MOLIERÈ OF ST. BONIFACE

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, I rise today to pay tribute to one of the oldest French language theatre companies in Canada. The twist in this tale is that this company is not now, nor has it ever been, based in Quebec. The company in question, which is celebrating its 70th anniversary this year, is the Cercle Molière, a French language theatre in the heart of St. Boniface, Manitoba.

Established in 1925, the Cercle Molière has survived in French for 70 years despite all the obstacles, for which we are very grateful. Whether the plays are by Molière, Michel Tremblay or Gabrielle Roy, the great thing is that the whole community is actively involved, either as actors, unpaid workers or audience members.

The theatre is a mirror of the surrounding community, and I applaud the Cercle Molière for its contribution to the growth and development of Manitoba's francophones. Bravo.

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[English]

KREVER INQUIRY

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, I rise on behalf of the constituents of Okanagan—Similkameen—Merritt because one of us, seven-year old Jarad Gibbenhuck, is a victim of the tainted blood tragedy. He is the youngest Canadian to be diagnosed with hepatitis C. He contracted the disease from a blood transfusion during an operation when he was just a baby. Last week Jarad made a trip to Toronto to meet with Justice Krever.

The Krever Commission of Inquiry on the Blood System in Canada is being stifled by the Liberal government. The Liberals are afraid that Krever has been too independent and too objective.

The Liberal Minister of Health has led his provincial counterparts into a reform of the blood system in Canada by appointing a tainted blood forum. Canadians are appalled by this manoeuvre to cover up and muzzle the Krever commission. Canadians are outraged by the legal mess the Liberals have allowed which prevents the release of Krever's findings.

Jarad returned to the Okanagan with a single message: Let Krever speak.

* * *

• (1405)

NUCLEAR WEAPONS

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, the time has come to end the presence of U.S. nuclear warships and of weapons testing in the Georgia Strait as the NDP has been proposing for many years now. The time has come to convert the Canadian Forces Maritime Experimental and Test Ranges at Nanoose Bay to a peaceful, environmentally sound and economically productive purpose.

The threat of a nuclear accident, the environmental damage, the danger of collisions with other vessels and the costs to Canada are all reasons for rethinking Canadian participation in a project that so clearly incarnates the kind of thinking that endangers the planet.

Canada sometimes talks a good line at the UN but when it comes to NATO and bilateral agreements with the U.S. like the one on Nanoose Bay, we show how deeply a part of the nuclear problem we really are. A decision to convert the Nanoose facility would be a step in the direction of being part of the solution.

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[*Translation*]

GUN CONTROL

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, a terrible human drama, the senseless murder of police officer André Lalonde, has shocked all of Quebec. A member of the Montreal Urban Community's police force for 29 years, Mr. Lalonde was barely two months short of a well-deserved retirement. Today, his wife and two children must go on without him.

In the face of such a horrifying act, we must insist that our legal system deal fairly but firmly with the murderer of officer Lalonde. Our government has already shown its determination to fight violence and crime by passing the gun control bill last year. There will be other measures to complement the initiatives of our government, in order to assure Canadians that other families will not have to go through the suffering that the members of the Lalonde family are going through today.

I join with their friends and relatives in offering my deepest condolences.

* * *

SEXUAL ABUSE

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the *Globe and Mail* reported the sad story of a poor family whose four daughters aged 8 to 18 were regularly sold to strangers and subjected to rape and physical violence. This family lives in the Philippines, but it could just as well be in India, Malaysia, Thailand, Cambodia or China.

In these countries, and in many others, children are used daily for sexual purposes by a certain type of tourists from richer countries like Canada. These same tourists would never dare to engage in such behaviour here.

That is why this House must take a strong stand and condemn unequivocally these unscrupulous people. We need the tools with which to pursue and punish those who leave aside all respect for human dignity as soon as they set foot in another country and who shamefully abuse defenceless children.

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[*English*]

CHIEF RABBI OF ISRAEL

Mr. Barry Campbell (St. Paul's, Lib.): Mr. Speaker, I rise in the House today to note the visit this week to Canada by the Chief Rabbi of Israel, Rabbi Israel Meir Lau.

Rabbi Lau, who is with us today in Ottawa, will be visiting a vibrant Canadian Jewish community. Rabbi Lau was born in pre-war Poland to a family of respected rabbinical scholars. A

holocaust survivor, Rabbi Lau moved to Israel and dedicated himself to a life of service to his people and his faith.

Canadian Jews have made an enormous contribution to this country. Canadians have stood by Israel during its darkest moments and continue to work with Israel in the search for peace in the Middle East.

Rabbi Lau will be aware of the attempted bombing yesterday at Calgary's Jewish Centre. Happily, no one was seriously injured. I hope that when Rabbi Lau returns to Israel it will be with the knowledge that all Canadians condemn violent and hateful acts.

* * *

ANNIVERSARY GREETINGS

Hon. Sheila Finestone (Mount Royal, Lib.): Mr. Speaker, I rise in the House of Commons to bring two special greetings.

First, with the enduring friendship that binds our two democracies, greetings to the state of Israel on the occasion of its 48th anniversary of independence. A dynamic country which enjoys a long and rich history and which links Jews throughout the world, greetings of peace, security and prosperity as we celebrate Yom HaAtzmaout.

Second, this year marks a very special milestone in the history of Jerusalem, one of the world's most ancient and beautiful cities, a spiritual city central to three of the world's major religions. Jerusalem 3000 is being feted with many wonderful cultural and educational events here in Canada and in most major cities and countries around the world as well as in Israel.

As our Prime Minister said in his message quoting from the Psalms: "For my brethren and companions' sakes, I will say now, peace be within thee, Jerusalem".

Hag sameach—Yerushalim Shel Zahav. Happy birthday.

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[*Translation*]

SENIORS

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, today I would like to pay tribute to seniors for their involvement in and active contribution to seniors' associations. Not enough is said about their devotion and the importance of their work in Quebec and Canadian society. Nowadays, seniors can expect to lead a full life well into their golden years. They have my admiration.

• (1410)

The Salon des aîné(e)s du Québec, which will be held in Quebec City from May 2 to 5, is an example of the involvement of senior citizens. Associations devoted to seniors have become essential tools for this age group. Their efforts to improve services available to seniors are commendable. "Coeur d'or" awards will be given

out at this event to seniors and organizations of the year. The five awards will be presented before some 500 presidents of seniors' groups invited specially for the occasion.

I wish the salon great success. Congratulations to the organizers, particularly general manager André Guillemette.

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[English]

CALGARY JEWISH CENTRE

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, Calgarians and Canadians are shocked, dismayed, appalled and sickened by the bombing of the Calgary Jewish Centre. On behalf of all of my colleagues I would like to extend our support for the intended victims of the bombing.

Thankfully I have received assurances from the centre that everyone is all right and that the centre is continuing today in its place of prominence in the Calgary community. Members of the Calgary Jewish community should be applauded for their perseverance and their refusal to be intimidated by these bigoted acts of violence.

At this point in time the police have no information regarding the motivation for the crime. I only hope that calm will prevail in the city. I call on Calgarians and Canadians to reserve their judgments until such time as it is known exactly who is responsible for this heinous attack on a valued community organization. The heavy arm of intolerance should not be met by intolerance but by the wings of Canadian justice.

The Calgary police are conducting their investigation into this deplorable incident. We wish them Godspeed in coming to a hasty conclusion and bringing the culprits to justice.

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CAPE BRETON DEVELOPMENT CORPORATION

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the future of the Cape Breton Development Corporation rests with this government. The DEVCO miners and the Cape Breton community have asked the Prime Minister to keep his promise to Atlantic Canada to maintain and create jobs.

It is clear that the federal government has a particular responsibility in this regard. The federal government will not convince the private sector to create jobs in the maritimes if it moves in a direction to shut down an entire industry.

It is interesting to note that on October 7, 1993 the hon. member for Cape Breton—East Richmond, now the health minister, said:

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“If elected—the Liberal Party of Canada would want to increase production at DEVCO. With an increase in production, no downsizing would be executed”.

What is the government's long term intention for the coal mining industry in Cape Breton? Is it just another false campaign promise or is it the government's intention to place an industry, 800 jobs and a community in jeopardy? I call upon the government to save these jobs and the industry.

* * *

HOCKEY

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, last Sunday night the remaining Canadian hockey teams in the hunt for the Stanley Cup were eliminated from contention. Canadian hockey fans should not despair. Though the remaining teams tout jerseys with cities like New York and Detroit on them, the majority of players wearing them were born and raised in Canada and played hockey on the ponds and the rinks of Canada.

Hockey is still our game. We set the standard for excellence. Hockey is part of our heritage. It brings families and communities together in places like Sudbury, Flin Flon, Trois Rivières and Owen Sound.

Though the Stanley Cup will reside south of the border this year, we should not forget that most of the players who will thrill the fans are as Canadian as the maple leaf.

Long live hockey in Canada.

* * *

DISCRIMINATION

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, today Canadians are expressing shock and outrage over remarks made by a member of this House that he would fire an employee in order to please bigoted and racist customers.

Imagine the hurt and dismay that must be felt by Canadians who are members of minority groups, the disabled and their families because a member of this House wants to push them to the back of the room rather than deal with bigotry and racism. The behaviour he is advocating would violate the human rights act in his own province of British Columbia. Shamefully, the member who made those remarks is the Reform Party whip.

Reformers have shown us time and time again that they want us to go back to the days—

The Speaker: Colleagues, I urge you to stay away from any kind of personal attack like that.

*Oral Questions***ORAL QUESTION PERIOD**

• (1415)

[*Translation*]

REFERENDUMS

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, again yesterday the Minister of Justice commented on the holding of another referendum on the future of Quebec, stating that the results would not be recognized. This is tantamount to saying the federal government does not acknowledge the right of Quebecers to determine their future democratically.

My question is for the Prime Minister. Does he agree with his Minister of Justice that the next referendum in Quebec would be merely consultative in nature and not recognized by Ottawa?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not think there is anything to add to what the Minister of Justice has said. A referendum is always a consultation of the people. When there is a referendum, the laws of the country in question must be respected, first and foremost. There have been two referendums. If there is another, we shall see, but for the moment other things are in the works, and I do not know when there will be one. When there is, we shall see.

For the moment, however, the premier of Quebec says he wants an election first and a referendum later, and he is not prepared to say much more about it. Nor am I. In due course, however, as I have always said, things will have to be made very clear to avoid confusion.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, there are many who agree with that, but at least three government ministers made statements and comments yesterday on the situation. The Prime Minister should turn to his cabinet colleagues and tell them “Ladies and Gentlemen, move on to some other topic”. That is what he should do.

Meanwhile, since the Minister of Justice, someone who is far from being a junior member of this government, has made statements of such importance to the future of this issue, how can the Prime Minister—I wish to ask the Prime Minister—how can he now state that the next referendum will be merely a consultation, merely consultative, when he himself, in speaking to the people of Quebec right before the last referendum, told them their decision would be irreversible? How can he reconcile the two?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the problem was not raised by the ministers. The problem was raised by the premier of Quebec this past Sunday, when he wanted to change the subject from Bill 101. He raised this completely hypothetical question and the minister responded.

As for my statement, I have nothing to take back. I have always said here, I took a two-week break and then the Bloc leader quit, but I always said and I repeat, we will not break up the country with a very tight majority vote after a judicial recount.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, we will gladly call it quits on that, but I would appreciate it if the Prime Minister would speak to his ministers, in order to avoid any ambiguity, and would let us know if he dares deny that, after obtaining a mandate from the people of Quebec in a referendum, the Government of Quebec can then effect sovereignty. Let him say it frankly, and then it will be clear. His ministers will stop talking about it and everybody will be happy.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I prefer to talk about something that is fact. Quebecers have twice decided to remain in Canada. That is what we ought to talk about.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, up to now, the Prime Minister’s approach in constitutional matters has been to complicate rather than to simplify. A number of influential federalist business people are criticizing his lack of vision and his government’s lack of planning in this matter. His ministers’ contradictory statements in this regard bear eloquent witness.

My question is for the Prime Minister. Whom are we to believe in this government between the Minister of Justice, who accords no more than a consultative value to referendums, and the immigration minister, who claims that, if the rules were clear, the referendum would have a real value?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we have a referendum, we will ensure the rules are clear.

• (1420)

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, and the Prime Minister is still at it. Instead of playing cat and mouse with such a weighty matter as constitutional issues, could the Prime Minister say clearly, once and for all, whether he accords Quebecers the right to decide their future democratically themselves? It is simple: yes or no, Mr. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am not the one talking about these problems, it is Mr. Bouchard. If precisions are needed, it is the people of Quebec who need them at this point, because everyone wants a moratorium in order to create jobs and revitalize the economy, Montreal’s in particular.

This is what Mr. Bouchard himself has called for. He called for an end to discussions on the Constitution and referendums and instead the creation of a climate favourable to investment in

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Quebec. The important thing is for those opposite to state their position on Bill 101 within their own party.

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[English]

DEPUTY PRIME MINISTER

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, the *Hamilton Spectator* is full of letters from constituents angry and embarrassed by the Deputy Prime Minister's inaction.

Susan Kalbfleisch writes: "How can we teach our children that honour, integrity and personal responsibility are important when one of our leaders sets such a poor example?"

Ivy Brittain from Hamilton writes: "I don't think any of her constituents in Hamilton think too much of her right now. She was the one who said she would resign if the promise to abolish the GST wasn't kept".

My question is for the Deputy Prime Minister. Why will she not put personal responsibility and integrity ahead of her political career and resign her seat now in the House of Commons?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the acting leader of the third party should concentrate her attentions at this moment on the awful statement made by the member for Nanaimo—Cowichan. It was just about the worst statement we could hear in Canadian society.

I am the leader of a political party. In that party are members of different colour. There are the members for Nunatsiag, for Malton, for Bruce—Grey, for Etobicoke—Lakeshore. The member for Richmond and other members of other minorities are here and I will never ask them to go to the back. I am proud of them. They will always be in the front row of the Liberal Party.

Some hon. members: Hear, hear.

The Speaker: I would ask that the questions should be directed to the administrative responsibility of a minister or the government.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, I just say again that I am committed to the equality of all people in the country, and all politicians as well. When one politician breaks a promise after that promise has been made with real commitment, then it puts all of us to shame.

The Toronto *Star* in its editorial column states that the Deputy Prime Minister "should quit now to help restore public faith in the system and face her voters in an immediate byelection". The editorial went on to say: "Her departure would also help staunch the tidal wave of public cynicism that has greeted Liberal pronouncements".

I ask the Deputy Prime Minister, not her little answer man, if she will restore public faith in the political system, live up to her commitments and face the voters of Hamilton East in an immediate byelection? Will she do that today?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, she can throw books and show good behaviour like that in the House of Commons, but I would like to know if she will ask the member for Nanaimo—Cowichan to resign because he made a most outrageous statement. We have members of Parliament—one in the Bloc and one in the NDP party—who have admitted they are homosexual. They have the right to be in this House like anybody else.

• (1425)

To see these people trying to teach me a lesson today on ethics when they have colleagues who discriminate against people because of colour, language, sexual orientation and sex is unacceptable. I will not be put in the corner by the bully from Alberta.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, again we are talking about commitment and a promise that was made before the last election. That promise was made several times after the election.

The editorialist at the *Globe and Mail* today said that the Liberal's shameful performance in the GST affair feeds the very disillusionment with politics and politicians that brought these people to power in 1993.

The article went on to say that if the government truly wants to restore honesty and integrity to public life and teach Canadians to trust their leaders again, the Deputy Prime Minister must "do the honourable thing and resign".

I ask the Deputy Prime Minister again, will she in the words of the *Globe and Mail* continue to bring "dishonour on herself, her government and—

The Speaker: With respect, I remind members that we cannot say something using someone else's words what we would not say here in the House of Commons. With regard to the word she used, dishonour, I would like the hon. member for Beaver River to withdraw that word.

Miss Grey: Mr. Speaker, I will withdraw it and will let the *Globe and Mail* know that.

Will she do the right—

Some hon. members: Oh, oh.

The Speaker: The question has been put. If the question is to be answered, we will hear it.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, at this moment if I were a member of the Reform Party I would be very embarrassed to see the acting leader get up in this House and ask three questions after she has agreed with the member for Nanaimo—Cowichan.

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One of the things that has made this a great country is that we have welcomed people from all parts of the world, people with different religions, different colours and so on. We have made one great family. I do not feel very comfortable to have a party with views like that in front of me in the House of Commons.

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[Translation]

SOMALIA INQUIRY

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, my question is for the Minister of National Defence.

Yesterday the government lawyer objected to the Somalia inquiry being able to do its work properly. Today, the government must backtrack before the general outcry in reaction to this new attempt at a cover-up.

Are we to understand that the minister of defence shares fully the opinion of the head of the commission that the commission's mandate with respect to allegations of cover-up and destruction of evidence extends beyond the period initially foreseen and that it therefore includes allegations that a cover-up took place and is perhaps still taking place under the present government?

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I can make clear to the hon. member and to the House that the government does not question for a moment the right and the jurisdiction of the inquiry to look into the whole question of cover-up. That is well within the mandate of the commission.

The issue that was addressed yesterday was evidentiary in nature. Counsel for the government took a position with respect to the production of certain tapes and transcripts. That material has now been handed over and made available to the commission which has made a ruling in respect of it.

Last August the commission had occasion to consider the ambit of its mandate and in a written ruling released August 3 of last year, it expressly found it had the jurisdiction under its mandate to look into allegations of cover-up with respect to the incidents in Somalia. That is a position with which this government is in full agreement. From day to day at the hearing, we co-operate fully in assisting the commission to do that job.

• (1430)

[Translation]

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, as the Minister of Justice has just said, if the commission's mandate consists in getting to the bottom of the allegations of cover-up, as

well as the disappearance and alteration of documents produced under the present government, can the defence minister or the justice minister reassure us today that when the inquiry is over, the commission will table a complete report on this affair, including the names of those responsible and the appropriate sanctions, if any?

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the commission has its own counsel and will do what it is advised in making a report.

On behalf of the Government of Canada and the commission, particularly in relation to legal representation, we fully agree that the commission's mandate includes the right to look at allegations of cover-up.

We are committed to co-operating with the commission in that work. We invite the commission, expressly and implicitly, to make whatever finding is appropriate on the facts as it finds them in relation to the allegations of cover-up.

* * *

DEPUTY PRIME MINISTER

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, yesterday the Deputy Prime Minister tried to use the cost of a byelection as an excuse for not fulfilling her solemn, precise and calculated promise to electors in Hamilton East in the last election to resign if the GST is not scrapped.

Every elector there knows every month and every year the Deputy Prime Minister spends here adds hundreds of thousands of dollars to taxpayers' liability for her MP and minister's pension.

Instead of using this bogus excuse, will she simply do the right thing, resign and allow a byelection?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we said very clearly that the Minister of Finance and I are implementing page 22 of the red book. There is nothing to add.

We campaigned on page 22 of the red book where we said we were to replace this tax with a harmonized tax. The member should read the red book and realize that we campaigned on the promise that we are fulfilling at this time.

[Translation]

Mr. Stephen Harper (Calgary West, Ref.): I have a supplementary question, Mr. Speaker.

As the Prime Minister knows, the Deputy Prime Minister was booed at the Copps Coliseum in Hamilton because of her own performance and of the government's performance on the GST.

Here are some of the headlines that appeared in the Quebec newspapers: "Everybody Misunderstood", "GST: the End of a

Charade”, “Smoke and Mirrors”, in *La Presse*; “Copp’s the Joker”, in *Le Devoir*. There is national unity on this issue.

Will the Deputy Prime Minister act honourably and resign, as she promised during the last election campaign?

[*English*]

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, two kinds of questions occur in the House.

Very rarely, a member of the opposition will stand up and ask for a point of information, genuinely seeking an answer. There are other types of questions in which members of the opposition engage in political rhetoric, normally with a long preamble. They are not seeking information but seeking to make a point.

We are used to the second kind of question. Normally when the member asks that kind of question, explicit or implicit in the preamble is the fact that the opposition wants to attack the government on a point of substance.

Does the Reform Party support what the government is doing in terms of harmonization or not? Does the Reform Party still believe as it said it did in the finance committee report: “We commend the government in its attempt to harmonize the tax with the provinces”.

Does the Reform Party still believe that it is simply unacceptable that Canada remain the only country in the world with 10 different sales tax regimes? Where does it stand? Is Reform for harmonization or against it?

* * *

• (1435)

[*Translation*]

FRANCOPHONES OUTSIDE QUEBEC

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, according to Statistics Canada, of the 1,000,000 francophones outside Quebec who declared French as their mother tongue, only 640,000 still speak French at home. Despite this very alarming situation, the commissioner of official languages has just released an annual report claiming, on the contrary, that considerable progress has been made in the use of French outside Quebec.

My question is for the Deputy Prime Minister. How can the commissioner of official languages table such a rosy report, when for 18 months he has been releasing reports that totally contradict what he said today? What extraordinary event has happened since then to cause such an about-face on the part of the commissioner?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the facts are there. In Canadian schools today, 2,135,000 children are studying French as

a second language, while some 644,000 are taking English as a second language.

In addition, one in four Canadian students between the ages of 15 and 19 is bilingual. This is the highest rate in Canada’s history.

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, I am not sure what her word is worth these days—

Some hon. members: Oh, oh.

Mr. Marchand: —but I will still ask her a supplementary question.

How can the government accept a report by the commissioner of official languages that denies the francophone reality, going so far as to avoid the word “assimilation”, when Statistics Canada’s figures show that, between 1971 and 1991, the assimilation rate for francophones—

The Speaker: I would ask the hon. member to put his question.

Mr. Marchand: My question is this: Why do Statistics Canada’s figures show that, over the last 20 years, the assimilation rate for francophones outside Quebec has risen from 27 to 34 per cent?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the worst is having to live with attacks— we politicians can survive them. Mr. Goldbloom, who was not appointed by this government but by the previous government, released a report and the hon. member across the way is now accusing him of distorting the facts. The facts are there.

The fact that one in four Canadians can speak both languages may hurt the Bloc Québécois’ separatist policy, but the facts are there. The hon. member’s accusations against Mr. Goldbloom make no more sense than his own actions in the past.

* * *

[*English*]

DEPUTY PRIME MINISTER

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, yesterday the Deputy Prime Minister said she would not resign because it would cost the taxpayers \$100,000.

This morning local radio station CFRA listeners have started pledging money to pay for the byelection, so it will not cost the taxpayers or the Deputy Prime Minister one red cent.

If enough money is raised and the Deputy Prime Minister’s last excuse is eliminated, will she do the honourable thing, the respectable thing and resign?

The Speaker: That is a hypothetical question and it is out of order. I would ask the hon. member to proceed to the supplementary.

Oral Questions

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, for the finance minister, this party is against harmonization with compensation of \$1 billion.

[English]

Does the Deputy Prime Minister realize it is not just her own honesty, integrity and respect that suffers when she breaks her word? It reflects on all her party and this whole place.

• (1440)

The Ottawa *Sun* sure sized things up when it said not to light a match near the Deputy Prime Minister lest the compressed gaseous gases of political hypocrisy prove combustible.

* * *

[Translation]

OFFICIAL LANGUAGES

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

In August 1994, the Fédération des communautés francophones et acadienne, which was taking a look at 25 years under the Official Languages Act, said, and I quote: "Time is running short, as statistics on assimilation indicate. At this rate, our communities will be nothing more than a shadow of their former selves". In short, it sounded a cry of alarm with the government. The government, however, prefers to remain deaf to this sort of appeal and is happy with the twaddle from the commissioner.

Has the government asked the Commissioner of Official Languages to draft a complacent report that does not reflect the truth and contains only what the government wants to hear?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, that is not true.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, is the minister prepared to reprimand the Commissioner of Official Languages? Could she ask him to stop hiding the figures of Statistics Canada and do his job rather than politicking?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, Mr. Goldbloom is an official of the Parliament of Canada, not an official of the federal government. We do not follow the example of the Quebec culture minister who is obstructing the collective bargaining process. We do not interfere with an organization at arm's length.

SOMALIA INQUIRY

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, Canadians were shocked to hear a federal government lawyer contradict the Minister of National Defence regarding the mandate of the Somalia inquiry. Canadians want to know who is behind this.

Will the Minister of National Defence confirm that the judge advocate general instructed the federal government lawyer to challenge the mandate of the Somalia inquiry? Can the minister tell Canadians the reason behind this attempt?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the answer to that question is that no one instructed the lawyer for the government to challenge the mandate of the inquiry.

Yesterday at the commission an evidentiary issue arose. The observation was made by counsel that the issue was collateral to the events in Somalia, and submissions were made about how far the commission should go in examining video tapes.

However, as I said earlier, apart from this detail the important point of principle is that the government is committed to assisting the commission in its work. We acknowledge expressly that the commission properly can look into allegations of cover-up, part of its job. It is within its mandate. We agree with the interpretation of the mandate by the commission itself.

Now we are getting on with the work of the commission. The lawyer in question has tendered the documents and the records. They have been made available to the commission. The commission is going about its work.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, can the Minister of National Defence tell Canadians why there is a contradiction between the messages the justice department is sending and the Department of National Defence is sending to the Canadian public?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the Minister of National Defence and I have exactly the same position. It is the position of commission counsel, the position of the counsel who appears for the government before the commission. The commission can quite properly and should look into any allegations of cover-up.

The most important thing of all is to have the Canadian people learn the facts and to have the commission's findings on those facts so that we can make an evaluation of what happened and what should happen, which is exactly the position we take before the commission and here today.

• (1445)

COMMUNICATIONS SECURITY ESTABLISHMENT

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, my question is for the Minister of National Defence.

About a year ago the House unanimously adopted a motion calling for the creation of an independent review mechanism for the Communications Security Establishment. We know that both the Prime Minister and the Minister of National Defence support this initiative.

Can the minister inform the House of the government's progress in responding to the proposal of the House to put in place an oversight mechanism for the CSE?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the government welcomes the initiative taken by the hon. member for Scarborough—Rouge River and the members on the subcommittee on security intelligence of the justice committee.

We have been holding discussions with him and other members as to the appropriate oversight mechanism. We should be in a position within the next few weeks to make the government's views known. I hope that will satisfy the legitimate concerns of the members of that committee and the Canadian public in general.

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[Translation]

QUEBEC BRIDGE

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, my question is for the Minister of Transport.

This year, the Quebec bridge was designated a historic landmark by the federal Department of Canadian Heritage. Yet, the Minister of Transport still refuses to share in the costs of the repair work, with CN and the Government of Quebec.

Does the minister not find it ill advised, to say the least, to grant a consortium \$41.9 million, indexed annually over a period of 35 years, for a total of over \$2 billion, to fund the construction of a bridge between New Brunswick and Prince Edward Island, which will be used by 132,000 people, while refusing to give anything to preserve the Quebec bridge, which is used by over 600,000 people?

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the government is well aware of the importance of the Quebec bridge, but it is the responsibility of CN, not the federal government, to maintain it.

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In the case of Prince Edward Island, both the federal and provincial governments have constitutional responsibilities. There is a big difference, which explains why the federal government is involved in the funding of this venture, but not of the Quebec bridge, which is CN's responsibility.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, how can the minister justify this double talk, since he refuses to fund repair work to the Quebec bridge on the grounds that it belongs to a private company, while granting \$2 billion to a consortium, which is also a private company, to build a bridge between Prince Edward Island and New Brunswick?

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, in the case of the bridge to Prince Edward Island, the government has a constitutional responsibility. As for the Quebec bridge, it was transferred to CN three or four years ago, before this government took office. At the time, the federal government gave land located next to the bridge and worth some \$30 million. We expected CN to continue to maintain the bridge, as it is doing.

This year, CN will spend \$1.5 million on maintenance, and that level should remain the same for the next 10 or 20 years. Still, responsibility for the bridge rests with CN. If the province of Quebec, which, I believe, allocates \$25,000 annually for the use of the bridge by automobiles, is interested in helping out with the maintenance costs, this will be good news.

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[English]

FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, the fisheries minister in his wisdom has divided the B.C. small boat fleet into three geographic areas.

Just to make a living fishermen will be forced to buy a second or a third licence. That will probably cost them \$13,000 a year, \$13,000 in additional costs.

At a time when fish prices are depressed, the Fraser River is to be shutdown for a year and when fishermen are going broke, how does the minister dare saddle B.C. fishermen with another \$13,000 a year in additional costs?

• (1450)

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member knows the commercial fishery in British Columbia is in a very sad state. The stocks are low. The fishermen are losing money. They are expected to lose more money this year. Something has to be done.

A plan was put together which would address the environmental sustainability of the industry and its economic viability. Essentially

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it is a plan that would allow the fish to survive. It is a tough plan. It is a plan which has consequences for the people involved.

However, these tough measures are necessary. They have to be taken if the fish are to survive and if the fishermen are to survive. We will move forward with something which has been needed for the last 15 years.

Mr. John Cummins (Delta, Ref.): Mr. Speaker, something has to be done, but increasing costs in a time of hardship is not the thing to do.

The minister knows his policy will do nothing to help small fishermen. It will force them out of business. On top of that, the policy will force fishermen to increase their catch to pay the extra costs.

The minister's plan forces fishermen out of the industry, takes away their livelihoods and on top of that puts increased pressure on salmon stocks. How can he possibly justify punishing British Columbians with such a poorly conceived plan?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the plan will not punish British Columbians. The plan is tough. The plan has some consequences which will create difficulties.

Everybody agrees there is an overcapacity in the industry. Everybody agrees this has to be reduced. Everybody agrees the objectives of sustainability have to be met.

We have put forward a plan which will address this tough situation. Again, it is a tough plan to address the health of the industry.

If the hon. member has problems with the plan, I have yet to see any plan he may have devised.

* * *

HUMAN RIGHTS

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, a member of the House has made many statements that are offensive to Canadians and many members of the House. The Reform Party whip is quoted as saying he would fire or move to the back of the shop a homosexual or a black employee who offended racist or bigoted customers and caused him to lose business.

Would the Minister of Justice please explain about human rights legislation in Canada that would protect individuals like me from discrimination in employment?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Canadians believe in a country in which no one has to work in the back of the shop and in which no one has to ride in the back of the bus.

Some hon. members: Hear, hear.

Mr. Rock: Canada is a country in which people need not be moved out of sight or hidden away because of their race, because of a physical disability or because of some other characteristic that has nothing to do with their worth as human beings.

Canadians believe in a country in which employers cannot fire a member of a minority group to accommodate the bigotry of their customers, but in a country in which employers speak out against such bigotry on behalf of minorities.

The very purpose of human rights legislation is to protect such principles, including the amendment we put before the House in Bill C-33. That is the importance of human rights legislation in this country.

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[Translation]

MANPOWER TRAINING

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

Last Friday, the minister announced a new manpower training program called Experience Canada, with \$21 million in funding. Far from withdrawing from the training field, as it has committed itself to do on many occasions, it is creating new programs in this sector.

• (1455)

How can the Minister of Human Resources claim, on the one hand, to withdraw from trade training, while on the other hand creating Experience Canada, which falls directly in an area in which Quebec has jurisdiction: trade training?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, on Friday the young people of Canada were delighted to learn that the private sector throughout the country is prepared to contribute more than \$12 million in a partnership with the Government of Canada to assist young Canadians everywhere in the country. Thus, not only will they be learning to work in a sector that is familiar and appropriate to them, but they will also have an opportunity to get to know Canada better.

Young people in all of the provinces and territories will be able to take part in this program, because the private sector has seen fit to take part along with the Government of Canada, contributing \$12.7 million of the \$21 million to which the hon. member refers.

In my opinion, this is once again a very fine example of how Canadians, the Government of Canada, and the private sector can all work together for the common good.

Mr. Stéphan Tremblay (Lac-Saint-Jean): Mr. Speaker, how can the minister justify the fact that this new program aimed at our young people can be administered by a partisan organization like the Council for Canadian Unity?

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Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, I can assure you that it was not in the least our intention to ask a group to administer any program known as Experience Canada, and we certainly would not have entrusted it to the Bloc Quebecois.

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[English]

GOODS AND SERVICES TAX

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the Deputy Prime Minister stood up in the House yesterday and somehow had the nerve to claim she is saving taxpayers the cost of a byelection by reneging on her promise to resign for failing to scrap the GST. Unbelievable. I did not hear that kind of concern when her buddy, the Prime Minister, was—

The Speaker: In the preambles I give as much room as I can. I ask the hon. member to please get to his question.

Mr. Solberg: Mr. Speaker, since the government could not wait to have taxpayers pay for six byelections for other Liberals, is the real reason the Deputy Prime Minister is refusing to resign today that her fat patronage job is not quite ready yet?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the other day in an answer to a question from this member, because of the unfortunate time restrictions placed on some of my answers, I was unable to complete my answer.

The member claims to belong to a populist party. The Consumers Association of Canada supports what the government has done. Does the Reform Party? The Federation of Canadian Municipalities supports what the government has done. Does the Reform Party?

The Tourism Industry Association of Canada supports what the government has done. The Canadian Health Care Association, the Canadian School Boards Association, national voluntary associations and the Canadian people support the government. Why can the Reform Party not get with it?

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I suggest the finance minister go out and meet the people some time and he would find out what they really think. Ask the people at the Copps Coliseum what they thought when the Deputy Prime Minister was there the other day? They did not think too highly of it.

A quote from the Halifax *Chronicle Herald*: “Canada’s trial attorneys can thank the Deputy Prime Minister for another made in Canada addition to their quiver, the ‘I was a victim’ defence”.

To the noble drunkenness defence we can now add “I was only running for Parliament”. What a great defence.

Since her government’s lack of integrity and contempt for Canadians is now exposed, since she has compromised herself and all parliamentarians with her loose lipped actions, why will the Deputy Prime Minister not restore trust in her government by keeping her word for once and resign?

● (1500)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the member likes to cite quotations. May I just cite Mike Harris on June 14, 1994: “If I want something that works, and I will tell you this, if we had one value added tax, one base, one bureaucracy to collect it, the manufacturers and the businesses in Ontario would save over \$1 billion by being able to deduct these costs that you cannot deduct today on the sales tax”. Mike Harris said: “It has been one of the areas of major competitive disadvantage that Ontario manufacturers have and Ontario businesses have”.

I will close by simply saying this is what Mike Harris said. He said to stop the rhetoric. He said to stop the politics. He said to stop the finger pointing and get on with harmonization. Mike Harris was right then and the government is right now.

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FISHERIES

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, my question is for the Minister of Fisheries.

As a member of Parliament from British Columbia, I want to thank the Minister of Fisheries for meeting today with the B.C. delegation and admitting that perhaps the government had acted in haste by proposing the Mifflin plan.

When the minister goes to British Columbia tomorrow, will he consider the plan put forward by the B.C. Minister of Fisheries in terms of a new consultative process? Will he immediately stop the stacking of the licences and will he take action on rehabilitating the salmon in other fish bearing streams of British Columbia?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member is not asking a question, he is posturing.

I did not agree that the plan was not a good plan. I did not agree that anything was going to be done with the plan. I did listen to the sustainability group. Therefore I do not appreciate the hon. member putting words in my mouth.

In answer to his question, I listened to the sustainability group which I think had some worthy points. The group put forward about seven or eight points that are reasonable for consideration. I will be looking at them. I want the best plan possible. We have a plan now. I have to make sure that any improvements will be beneficial to the

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fishermen because the fish come first and the fishermen, and the politics come last.

* * *

GOVERNMENT POLICIES

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Prime Minister. It has to do with the government's admission that in the 1993 campaign the Liberal Party of Canada under his leadership was in contempt of Canadians with regard to the GST.

Having made that admission, I would like to know now from the Prime Minister whether he would not also admit that the Liberals were in contempt toward Canadians in regard to the helicopter deal, Pearson airport, trade agreements and also jobs, and that the only red thing left from the red book are the red faces on the government side.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I hope the hon. member of the fifth party will read the red book on page 22 in English and page 20 in French where we said that the answer was harmonization and simplification and we ran on that.

We have no regret in scrapping the helicopter program. In terms of job creation, if the member was aware of what has been going on since the election, 600,000 new jobs have been created in Canada, more than have been created in the same period in Germany, France and Italy together.

* * *

[Translation]

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of members to the presence in our gallery of a delegation of members of the French national assembly, headed by Didier Bariani.

Some hon. members: Hear, hear.

GOVERNMENT ORDERS

• (1505)

[Translation]

CANADIAN HUMAN RIGHTS ACT

BILL C-33. NOTICE OF TIME ALLOCATION MOTION

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it was not possible to reach an agreement pursuant to Standing Orders 78(1) or 78(2) with respect to the proceedings at second reading of Bill C-33, an act to amend the Canadian Human Rights Act.

Therefore, I give notice that, at the next sitting of the House, pursuant to Standing Order 78(3), I will be moving a time allocation motion for the purpose of allotting a specified number of days or hours for the consideration and disposal of proceedings at that stage.

[English]

CONSIDERATION RESUMED OF SECOND READING

The House resumed consideration of the motion that Bill C-33, an act to amend the Canadian Human Rights Act, be read a second time and referred to a committee.

The Speaker: My colleagues, when we broke before question period there were three minutes remaining in the period for comments and questions. I believe I have a question from the hon. member for Halifax West.

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I want to comment on the speech by the hon. member for Saskatoon—Humboldt who made a very good presentation.

First of all I want to bring to the attention of the House what this bill is really about. It says in the preamble that it is about Canadians having the right to be free from discrimination in employment and in the provision of goods and services. That is what this bill is about, nothing more and nothing less. This bill also says that the government recognizes and affirms the importance of the family as the foundation of Canadian society, that nothing in the act alters its fundamental role as a society.

Those are very important points to many Canadians. It is important that they be in the bill and it is good that they are there. But it seems to me it is not enough to simply not discriminate ourselves. We must oppose discrimination. We must protect against it. That is what this bill is supposed to do and will do. I ask the member for Saskatoon—Humboldt to comment.

Mrs. Sheridan: Mr. Speaker, I underline what my colleague has just said. Bill C-33 is about human rights protection from discrimination. It is not about destroying the Canadian family.

My family values, like those of many Canadians, include the values of tolerance, equity, justice and decency. Bill C-33 is not about conferring special rights on special groups. Bill C-33 is not about promoting lifestyles. It ought to be pointed out that the term sexual orientation which is being added to the bill is a neutral term that includes both homosexuality and heterosexuality.

It is my belief that we are judged as a society not by how we enhance the lives of the powerful but rather, how we look out for the vulnerable among us. For this reason, I am proud to be judged by the protection put in place by Bill C-33, legislation that for many Canadians will replace the raised fist with a sheltering arm.

• (1510)

Mr. Jack Iyerak Anawak (Nunatsiag, Lib.):

[Editor's Note: Member spoke in Inuktitut.]

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[English]

Mr. Speaker, considering what we saw during question period and what happened yesterday with the comments by the member for Nanaimo—Cowichan, I feel it is important to concentrate on the issue of discrimination.

Let me quote what has already been quoted by others in this House. The member for Nanaimo—Cowichan said that “everyone should be treated fairly and with justice, and we should be just to everyone, not just to specific little groups”. That is precisely why we are putting the issue of discrimination on the basis of sexual orientation into the act. People who are of a different colour, who are of a different lifestyle, who are disabled are being discriminated against based on those characteristics.

In talking about discrimination against various people, I have not encountered any in this House. However, being of a colour which is different from most people down here, at times there has been some discrimination against me based on the fact that I look different. People have looked at me and said: “Oh, a native”. I have an example of this.

I was driving to the airport one day. I was in a rush because as usual, I was late. Two of my kids were with me. Because I was going over the speed limit, I was stopped by an RCMP officer. I was at the airport and was told to get out of my car. I said I would get out but I asked if I could start to unload my stuff. The officer said: “No, just get out”. This was in front of my kids. I said that I was not going to run away, but asked if I could start unloading my stuff while the officer checked out whether I was driving legally. He said no. I hope this does not happen to other people from my area.

I gave him my driver’s licence. I did not happen to have the proof of ownership because I was driving the car my wife usually drives and she had the proof of ownership. The officer threatened to take away my car. He went back to his car and ran a check through the computer. Meanwhile, he told me to stay in the car, not to unload it. Maybe he thought I was going to run away. About a minute later he came back and his demeanour had completely changed. I thought: What if I had been an ordinary Inuit from the north? I felt sorry then and there for anyone who did not happen to have my position as a member of Parliament. His demeanour had completely changed.

• (1515)

My problem is what I would I have gone through if I had not been a member of Parliament since my wife had the ownership and proof of insurance. That is the kind of thing I am talking about on this issue of the introduction of the words sexual orientation into the Canadian Human Rights Act.

One has to feel those things in order to realize how much discrimination there is in Canada and elsewhere. Sometimes we

have to experience these things. If one has not experienced discrimination, they cannot know what people go through, whether they are a different colour, religion or sexual orientation than others.

When I was growing up, I went to a mission school in Chesterfield Inlet, N.W.T. Every morning we woke up around 6.30 or 7 a.m., went to church and had catechism after school. We were taught all the things we should be doing as good Christians: to be tolerant, to be loving, to be understanding, able to forgive and able to treat other people as we would treat ourselves. We grew up knowing that we had to treat our fellow human beings in a very caring manner and that we should be tolerant.

At the same time we were taught these lessons, we were taught songs while being unaware of their meanings. One song we used to recite to each other was “eeny, meeny, miny, mo”. If anybody knows that song they will know it has some very discriminatory words toward black people.

At that time there was some conflict between the Inuit, the Chippewan and the Cree to the south of us. The teachings were that the Indians to the south of us were savages. We believed our teachers because they were good Christian missionaries.

I should not and cannot brand all Christians the same way, but some of the most hypocritical and intolerant people were good Christians, or supposedly good Christians. That hurts. We were taught all those things by the same people who said that our fellow human beings to the south were savages or they taught us a song which at the time we did not know was discriminatory. We realized this, fortunately, and most of us did not take those teachings along with us when we grew up.

• (1520)

The member for Nanaimo—Cowichan said we should all be treated equally. How does he reconcile that statement with his comment that if a person were of a different sexual orientation than everybody else, if he were a homosexual, the hon. member would put him at the back of the store? How would he reconcile those two views? It is impossible.

It seems we have to convince, at least teach the people—

The Speaker: My colleague, I always regret to have to intervene on any member of Parliament. There are five minutes for questions and comments.

Mr. Ron MacDonald (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, this is a debate that has waited many years to take place in the Parliament of Canada. The input of the speakers in debate will leave a clear impression with Canadians about how basic rights have been supported by each party. I am sure that during the course of debate some members may feel uncomfortable with the positions that have been put forward.

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The member from the eastern Arctic who just spoke is a testament to the fact that in our Canadian political system, in particular in our party, we have evolved to understand the important role that must be played by people who do belong to minority groups.

The member from the eastern Arctic epitomizes the fact that Parliament is a better place when we are more tolerant. Parliament is a better place when we actively pursue and take down barriers to participation by individuals who are different from us. By "us" I mean on average those people of European descent, French and English.

It is crystal clear that the contributions to debate by this member in the seven years I have been in the Chamber have added to the sense of understanding that diversity brings to the greatness of this country.

There may not be a member here who would understand more than the hon. member for Nunatsiag, as he comes from the far north, what it must feel like to be viewed as different. It is imperative to understand that an individual is judged not by the colour of their skin, not by their ethnic heritage, not by their sexual orientation but by their worth as an individual.

I commend my colleague and my very dear friend for bringing to the House that sense of diversity and greatness which must be preserved and which in many cases is present in the amendments brought forward today.

I thank him for his contribution to this debate and encourage him to continue to stand up for Canadian rights, minority, majority or whatever else they may be.

Mr. Anawak: Mr. Speaker, it is always a pleasure to hear other members speak about the kind of work we are trying to do. I feel it is a privilege and honour to be here. However, just because we are here, just because we have been elected, we should not stop trying to make the world go right, even if it is a real struggle to do it.

At least we are doing our bit by dealing with the amendment to the Canadian Human Rights Act on the issue of sexual orientation. I will go all out on behalf of those people who are discriminated against because of their sexual orientation and will do what I can do for them.

• (1525)

[*Translation*]

The Speaker: Could I ask the hon. member for Rimouski—Témiscouata if she is going to share her time with someone else? You will be talking for 20 minutes, that is fine.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I am pleased to take part in the debate on Bill C-33, an act

to amend the Canadian Human Rights Act. This bill adds a fundamental right to the existing list.

When the legislation will take effect, it will no longer be possible to discriminate against a person on the ground of sexual orientation. Should a person be victim of such discrimination, he or she could bring a suit under the Canadian Human Rights Act, which is amended by the bill.

Such action by the government was long overdue. It was time for the government to take its responsibilities, given the commitments made during the 1993 election campaign. In the famous red book, to which the government constantly refers these days, the Liberals promised greater recognition and protection of gays and lesbians. The leader of the Liberal Party formally pledged, in a letter, to recognize sexual orientation as the eleventh prohibited ground of discrimination under the Canadian Human Rights Act.

The government was, of course, helped by the work done in the other place, which passed Bill S-2. One has to wonder whether the government would have taken action, had it not been for the initiative of the Senate, the other place. The government was probably ashamed to see a Conservative senator, and the Senate as a whole, go ahead with a bill amending the Canadian Human Rights Act. Of course, the legislation passed by the Senate will be dropped when the House of Commons passes its own legislation. In any case, it was more than urgent to act.

Recognizing that a person has a right does not take anything away from others. It is about time we recognized that, while we are all born equal, some people suffer from discrimination because they do not have the same sexual orientation as others.

Some believe, and others would want us to believe, that to recognize this fundamental right is to promote homosexuality as a way of life. It is high time for Canadian society to stop burying its head in the sand and to recognize a fact of everyday life in our society. Whether we like it or not, there are, in our society, people who are homosexuals and people who are heterosexuals. It is something we have to live with, and recognizing this right is not the end of the world as a number of societies already do so.

According to a survey, 70 per cent of Canadians are ready to accept, even to support, legislation prohibiting discrimination based on sexual orientation. Those opposed go against a vast majority in our society, as 70 per cent of Canadians want this legislation.

The time had come to act as, on March 18, 1994, the Minister of Justice said this in response to a question from the hon. member for Hochelaga—Maisonneuve, and I quote: "Speaker, in its campaign for office, in its throne speech and in statements made subsequently in the House, the government has committed itself to amendments to the Human Rights Act which will add sexual orientation as a ground on which discrimination is prohibited. We intend to follow through on that commitment".

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• (1530)

Although I welcome the introduction of this bill today, I will remain apprehensive until we know its effective date, because this is not the first time the government has tried to ensure passage of legislation in this area. Until the bill receives royal assent and is given an effective date, we in the official opposition at least will continue to follow its progress very closely so that it is implemented as soon as possible.

It is, however, unfortunate that, perhaps to arrive at this kind of solution, the government announced a few minutes ago its intention to move a motion tomorrow to limit the time allocated to this debate. In other words, there are among us people of ill will who intend to drag out the debate in order to try to stop the government from going ahead with this legislation.

We are in a situation where we must not only denounce the bad faith of some of our colleagues, members of this House, but also an all too frequent habit the government has adopted. Three times in the last four days the government has passed motions limiting the time allowed for debate of fundamental issues such as unemployment insurance, the GST and basic rights that we want our citizens to have. It is a bit of a disgrace.

There is something else, which is also worrisome. In the federal act as it stands, which was passed in 1978, I believe—no, it was 1975—the government did not see fit to mention that it recognized the family as the foundation of Canadian society. It is as though this was a novel idea.

This time, the government thinks it wise to amend the legislation by adding a paragraph:

And whereas the Government recognizes and affirms the importance of family as the foundation of Canadian society and that nothing in this Act alters its fundamental role in society;

In itself, this second paragraph adds nothing. I think that in all the countries of the world, at least, in all those sharing our form of civilization, the family is obviously the basis of society.

I do not know what meaning could be attributed to the word “family” by judges if we were to ask a court for an interpretation of its meaning today, because the concept itself has evolved considerably over the past 20 years. When I think, for example, of the family into which I personally was born, that of my great nieces and great nephews, in many cases it is not at all the same concept of family.

So, then, what sort of family do we recognize? Do we recognize the single parent family? Do we, in this bill, recognize the reconstituted family? Exactly what is this family that we recognize, and that now, with the addition of this paragraph, will be the victim of discrimination? Who, with the addition of this paragraph, will be denied rights? The bill talks about its fundamental role in society.

When things are added, I wonder whether the government has given sufficient thought to the whole issue and why it has added this paragraph, which was not in the original bill 20 years ago.

Does the government want to limit the scope of the bill? One could well ask. Did the government also want to reassure the radical right members of its caucus?

• (1535)

It is entirely possible. We know that a number of people are not shy about expressing their disagreement with this bill. The Prime Minister made it party line. That is fine. We will do the same thing on our side, but we wonder really why the government added this paragraph. Personally, I do not see what it adds, but I am concerned about the possible scope for interpretation before the courts.

Now they say it is high time this was done. Quite extraordinarily, in 1976, I was a member of a bargaining committee at the Université du Québec in Rimouski, and we negotiated the following: “Neither the university nor the union shall directly or indirectly threaten, constrain, discriminate against or make unfair distinction with respect to a professor for reasons of nationality; ethnic, linguistic or racial origin; beliefs; age; sexual practices or orientation; sex; physical state; pregnancy; marital status; political or other actions or opinions; the exercise of a right provided by the agreement”.

This was in 1976. So, when I say the government was in a hurry to act, it was high time it acted and stopped promising things every year and with every campaign in order to get elected, once again under false pretences. For once, if the government goes all the way, and this bill is given royal assent, we will be able to say that at least one promise was kept.

It was also high time because each province is responsible for the rights and liberties it accords its citizens. The Quebec charter of rights included sexual orientation in 1977. Since then, eight provinces, with the exception of Alberta and Prince Edward Island have changed their own legislation to prohibit sexual orientation as a ground for discrimination.

In 1978, that is, 18 years ago, the Liberal Party made—perhaps there was no red book at the time, perhaps that is why it got lost in the meanderings of the government—non discrimination against homosexuals an integral part of the Liberal Party program.

In 1985, there were unanimous recommendations on this by a House subcommittee. In 1993, Mr. Chrétien had made his promise, and on October 18, 1994, the Minister of Justice had indicated he might present amendments to the Canadian act in the fall of 1994, but it came about in spring of 1996. Perhaps when the snow melted they found the red book page that referred to the promise to introduce this bill.

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An hon. member: Definitely, it was lost in a snow bank.

Mrs. Tremblay (Rimouski—Témiscouata): There was a bill in 1992, Bill C-108, that died on the Order Paper. But at that time the Ontario Court of Appeal declared, in the Haig case, that the Canadian Human Rights Act was to henceforth be interpreted and enforced as if sexual orientation were one of the prohibited grounds of discrimination set out in the act.

In 1993 there was Bill S-15. This time the Senate was not very effective, perhaps because of the elections, I do not know, but the bill died on the Order Paper. We all know about the Egan and Nesbit case, in which the nine Supreme Court judges agreed that discrimination based on sexual orientation contravenes the clause on equality rights in the Canadian Charter of Rights and Freedoms.

• (1540)

More recently, we heard about commissioner Yalden's recommendation that the government take action in this area. He had been repeating the same recommendations for the last nine years and the government had still not taken any action in this area. He even pointed out that all seven justice ministers he had known had backed down when time had come to act.

Given your experience, Mr. Speaker, you know even better than I do that several justice ministers went on to become prime ministers. They could have had this legislation passed when they were prime ministers, but did not do so. They made that promise as justice ministers because they had to do something in that capacity. However, once they became prime ministers, probably under the weight of responsibilities, they forgot their promises.

In his annual report tabled on March 19, 1996, not so long ago, the commissioner had no choice but to recognize the federal government's inaction. Unlike the Commissioner of Official Languages who describes the kind of hypothetical reality he would like to see in Canada, this commissioner is not afraid of reality. The human rights commissioner is not afraid to look reality in the face and to acknowledge the federal government's inaction. Well, the government has finally made a move. This commissioner deserves our thanks for his good work.

He even accuses the Liberal government of not having the courage of its convictions. I have to admit that it finally summoned up the courage to take action, with the reservation I made a little earlier about the second paragraph he added to the act. The commissioner feels that, in the present situation, Canada has no lessons to give to other countries.

We will not repeat everything the commissioner said. Among the many interesting points he made, I would like to quote something he said in an interview he gave on March 19, 1996: "All I am saying is that it must be done. The courts have said so. In some countries to which we like to compare ourselves, this has already been done. This government and its predecessors have promised to

do so. What we are saying is that the time has come to act". I hope we will have enough time to see this through, and that is what concerns me.

For example, if the Prime Minister felt like calling an election, this bill would die on the Order Paper. It might get lost on the way from this House to the other House. Although the other House has passed its own bill in this area, it might take some time before it takes action in that regard. The summer break is getting closer and leaving a bill pending is always cause for concern.

As it did for another bill, the government could also decide to refer it to the Supreme Court to see if it is constitutional. One never knows; the government has a lot of tricks in its bag when the time comes to take definitive action. We still have to see how this will go over in the Liberal caucus, how right-wing members of the government party will behave.

I think this bill is a matter of human dignity, justice, equity and tolerance. These are the key values of society in Canada and Quebec, and I think we will all be better off when Canadian legislation includes provisions to protect all members of our society, because we all have equal rights.

• (1545)

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the human rights amendment under Bill C-33 is a very divisive issue among all members of Parliament. It has been described as two little words to include sexual orientation in the Canadian Human Rights Act as a prohibited ground for discrimination.

If it is just two little words, why is there so much acrimony in this place? Why is the public reacting so strongly? Why are people in this place who were my friends and colleagues no longer speaking to me? It is because I have a different position.

Why have so many people come to me and accused me of discriminating against some group because I have a position? Why have so many people demonstrated intolerance toward my position when they are trying to promote tolerance?

A lot of misinformation has gone into this debate so far today. People have said things, using carefully worded statements and clichés, that tend to evoke emotion and applause. If it was just two little words, if it was simply to incorporate into the Canadian Human Rights Act what the courts have already said it interprets as being there even though it is not, it is not just two little words. It is much more.

Policy by its very nature is discriminatory. In Canada, all are equal under the law. Over time, policy changes have created a complex network of exceptions that extend special status to certain groups or individuals. The extension of any significant special status has been a reflection of society's need to ensure its survival and positive development.

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To give an example, the laws of Canada discriminate in favour of aboriginal people. They discriminate in favour of seniors. They discriminate in favour of children and families. They discriminate in favour of those who do not make as much money as others by our rules.

Policy, by its very nature, is discriminatory. This is positive discrimination, reflecting certain circumstances. It is not negative discrimination. That is the crux of the issue.

The traditional family being father, mother and children has been the beneficiary of many policy developments over the years. We discriminate against all others by policies that declare special status for the family, which indeed is part of the preamble of this bill. We further extend to family extra benefits not available to single Canadians or those living in other than a traditional family relationship.

Examples of those benefits extended to the family include such things as survivor pension benefits. Immigration rules allow special treatment for family reunification and sponsoring couples. There is a tax credit for a stay at home spouse. There are child tax benefits and a child care expense deduction. There are many examples of how federal laws discriminate in favour of the family or, as others would say, how we discriminate against others on the basis of some characteristic.

The question of discrimination on the basis of sexual orientation continues to be debated. However, in the light of the foregoing, the question may be very fundamental. Do we want to continue to discriminate in favour of the family? That is the question. Once answered, the actions to be taken will come into focus.

If society continues to hold the family in high esteem and reaffirms its special status, we will choose to continue to discriminate in favour of the family. That also means that we cannot amend the human rights act to make sexual orientation a prohibited ground for discrimination. To do so would deny the family its special status by providing a legal basis for others to seek and obtain the same special status and benefits extended to the traditional family.

If, on the other hand, society no longer supports the special status for the family and no longer wishes to discriminate in favour of the family, there are two options to address the change in our societal value. One option would be to eliminate all discriminatory benefits extended to the family. This approach effectively would seek to put all Canadians on the same footing, regardless of what type of relationship, if any, one might have chosen.

• (1550)

We simply would be treated under all the laws of Canada as individuals without dependents. Various laws would have to be

changed and nothing would be relevant beyond the individual and their individual rights. The definition of the family would cease to have relevance and many Canadians would cease to receive discriminatory benefits. The impact on people and the finances of the country are obvious.

The second option would be to amend the human rights act to make sexual orientation a prohibited ground for discrimination. This would provide, I believe, the legal basis for challenges to all the laws of Canada, particularly as they relate to the special status of the family and the special benefits extended to them and denied to others. The Supreme Court decision in the Egan case referred to the concept as "permitted discrimination" but the human rights amendment would solve that interpretation.

It is also likely that other Canadians who do not share the special status of the family will also make challenges to our laws to seek the same level and value of benefits. Ultimately, all Canadians will be eligible for all benefits now enjoyed by the family and anyone else. We would, in fact, be equal under the law and all would receive equivalent benefits extended by any and all government policies. To do otherwise would discriminate against someone. Again, the impact on people and finances would be clear.

Discrimination on the basis of sexual orientation is most often discussed in a negative context of denying or violating rights. Common examples of this discrimination are related to accommodation, services, employment or membership in an organization. These cases generally refer to matters between an individual and a group or other individual. As members know, these are all under provincial jurisdiction and are specifically covered by the provincial human rights laws.

The Canadian Human Rights Act relates to everything under federal jurisdiction, including criminal law, pensions, divorce, health, immigration and income taxation as well as those companies, about 10 per cent, who are covered under the federal labour legislation. In the main, discrimination in these areas refers to a matter between the individual and the government rather than with another individual.

We are all equal under the law according to the charter and crimes motivated by bias, prejudice or hate already warrant stiffer penalties pursuant to Bill C-41. An amendment to the federal act which would add sexual orientation as a prohibited ground for discrimination would likely require fundamental rethinking of our societal values. If we positively discriminate in favour of the family, we must by definition be negatively discriminating against all others on the basis of some status or choice of marital status. The question ultimately becomes, is it possible to control or limit the consequences of making the proposed amendment to the human rights act?

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I would like to refer to a letter received by all members of Parliament from the Canadian Conference of Catholic Bishops. In it the archbishop indicates the principles and concerns of the Conference of Catholic Bishops while supporting the fundamental human rights and recognizing that everyone is to be treated with dignity and respect. He registers a concern that the proposed amendments will facilitate claims for same sex benefits. The bishops have asked, can we deal with the same sex benefits issue?

The chairman of the Human Rights Commission, Max Yalden, said in his March 1996 report that if we give a benefit to a heterosexual couple and deny it to a same sex couple, that is discrimination. The amendment refers to discrimination. The issue of same sex benefits refers to discrimination. There is clearly a linkage here which causes me some question, causes me some doubt, causes me reasonable doubt.

I want to conclude my remarks by speaking directly to the Prime Minister. Mr. Prime Minister, can we assure Canadians that those people who are presently exposed by not having sexual orientation as a prohibited grounds for discrimination that they will be covered but it will not extend same sex benefits? Can we tell them that the linkages that there appears to be between same sex benefits and otherwise will not cause a problem? Can we assure Canadians that the family will in fact remain where it is?

• (1555)

Mr. Prime Minister, I have questions, I have doubts, I have reasonable doubts and in the legal principle of Canada I cannot support this legislation, with due respect.

The Speaker: I am always reluctant to intervene in any debate or statement, but with respect I would remind all members that we are not allowed to say who is here and who is not and speeches should always be directed to your Speaker.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I thank the hon. member for his comments. I appreciated many of them.

I would like the hon. member to answer a question. I believe he has in his presentation, but does he believe that this legislation would move our society more toward equality or in fact away from equality.

Mr. Szabo: Mr. Speaker, the member has asked a question that I have been asking myself. I am not a lawyer. I do not know how to interpret it.

I do know, however, that in my opinion the courts have not taken a decision on this and refuse to. They want the politicians to do it. The politicians also have not made that decision. This has been

bouncing back and forth for some time. Even in the literature it asks: "Will this amendment lead to same sex benefits" and the answer in the speaking notes is "no".

Yet the Egan case clearly says, and implies to me in any event, that since it was part of the equality provisions, section 15, that same sex benefits were not granted to the Egan-Nesbitt relationship because this provision was not in the Canadian Human Rights Act. To me, therefore, it must mean if this provision is put in, the Egan case would have been successful in the Supreme Court and same sex benefits would have been extended to that couple and possibly opened up all Canadian legislation to the same challenge.

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I was very interested to hear my hon. colleague and friend who also represents a very heavy urban riding in the Toronto region.

I want to find out if the member could substantiate for this House some of the rather erroneous information that has been given or may very well be given in the short time obviously that has been allotted to an issue which the Minister of Justice believes is 100 per cent supported by most Canadians, in that some members are propagating the myth that the Catholic Conference of Canadian Bishops somehow supports this legislation.

I would also like, if possible, for the member to comment on Max Yalden's remarks when he said that any time this House passes sexual orientation in a bill, he will immediately find grounds to change all the laws in Canada to reflect same sex benefits.

Mr. Szabo: Mr. Speaker, I am aware of the position of the head of the Canadian Human Rights Commission in regard to this. He did say in his opinion, as the chief spokesman, that this would be the consequence.

This is the consequence that people have this question about, possibly a reasonable doubt. I have heard people say in this place that pedophilia is not a sexual inclination or a sexual orientation. Yet, if it is not, what is it?

• (1600)

We could have a situation where someone who has served their time for being a pedophile, which is a crime, is out in the community. Could it be that a community would be upset that a pedophile was living there? I think we only have to read the newspapers to recognize there are communities afraid of pedophiles being in their community. I think this causes some question.

I have questions, I have doubt, I have reasonable doubt.

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, this afternoon I have the distinct pleasure to stand before you and to

speaking on a subject which has been troublesome for me, as it has been for many members in the House.

My colleague who just spoke represents an urban riding. I represent a rural riding. When we look at the demographics of those two communities we find that in part there is not a whole lot of difference other than the population perhaps.

Our role as a member of Parliament is one that expects us to be accountable, responsible and to be representative for the majority view of our constituents.

It has always been my contention that in coming to this place I have never engaged in the kind of rhetorical debate we occasionally have in the House, something we must almost be ashamed of. I do not engage in that kind of debate.

I respect my hon. colleagues across the way as I respect all of those on this side of the House who at times seem to differ with and oppose me in some of the things I have supported in the past.

On this issue I felt it important to give support and perhaps even give some credence to the notion that some of us in the House, while not always supportive of the government view, hold some very strong opinions about issues. This is not because they are only my views or a particular member's views, but they are views shared by a majority of the constituents one represents.

The sexual orientation issue has been a very deeply moral issue for me and for the majority of my constituents. As a member of Parliament it is my moral obligation and my responsibility to defend and maintain certain traditional principles, values and the dignity of sacred institutions.

One of those sacred institutions which I strongly believe in has been the foundation and basis on which the country was founded and which has brought us to this point in history, the family. This is personified in the most basic form, the traditional family unit. In Parliament all of us in one way or another represent family.

For some of us that has been a very pleasant experience and for others there are memories that we would rather forget. There are experiences in each one of our families that we sometimes find very difficult to deal with.

The issue we are talking about today of homosexuality is something that is not benign to any one of us. Each one of us here probably has someone in our family who falls into that category. I am not one who believes in discrimination. I do not believe we ought to separate ourselves from people because they happen to be different from us.

I have an example in my own family. I am proud of my family. A number of years ago we adopted a little girl. She was Jamaican. She did not have the same colour skin as I have, but she was our daughter for a short time until she was tragically killed in an

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accident. I can appreciate those among us who represent a different culture and background, and we have among us on all sides of the House various people who represent those kinds of people.

I am bothered by the preamble of Bill C-33. It raises some questions. If this were properly addressed it could allay some of the fears some of us have on this bill. It simply speaks of family and the interpretation of that. Perhaps your view of family is different from mine and mine might be different from someone else's, but I believe it is important that there is an interpretation given of that. I believe the best way for us to interpret family is to say that the family is represented by a mother and a father, with children in the home. That is important.

• (1605)

The question has been brought to the forefront by Mr. Justice Lamer who, in speaking for the majority of the Supreme Court of Canada, stated that if the Canadian Human Rights Act included sexual orientation as a prohibited ground of discrimination he might well conclude that family status includes homosexual couples. The preamble is very vague in its definition of family. That is a concern of mine.

The traditional Canadian family is steeped in principles and values which are universal. They are at the root of every legally recognized traditional nuclear family unit. These families are the true pioneers of Canada and what is distinctly Canadian.

Canadians are concerned about what this amendment will mean to the traditional family unit and the definition of marriage and spouse. Another extremely sensitive area is the adoption of children by homosexual couples.

I am a Canadian. I am also a Liberal. I am proud to have raised a daughter and two sons who have rewarded their mother and father with three beautiful grandchildren. I hold family in high regard.

I believe the courts in interpreting legislation have demonstrated a willingness to read sexual orientation into it. That interpretation concerns Canadians.

All Canadians enjoy the same legal protection and basic human rights under existing laws. All Canadians, regardless of their background or preference, are concerned this amendment will alter existing laws to ensure full spousal rights for homosexual couples, including same sex marriage, pensions, health insurance, inheritance rights, tax privileges and immigration sponsorship. These concerns must be addressed specifically.

Each member has an obligation to listen to Canadians, to read the correspondence we receive in our offices, to communicate with our constituents, to address their concerns, to speak for them and to allow them to be heard in the House. Each member of Parliament is ultimately responsible and accountable to his or her constituents

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and is a product of the constituents' evaluation of their performance, based on the position each of us takes on very sensitive issues.

The diversity of representation in the House of Commons through geography, culture, philosophy and tradition is truly characteristic of the Canadian demographic. We must provide leadership, even though we sometimes differ on issues, and rise above prejudice and the special interests to defend the integrity of Parliament.

An issue of emotional and/or controversial nature can be curtailed by allowing each member the privilege of articulating their voice within the scope of Parliament, the ultimate sound board of national representation.

The government has shown leadership in tackling difficult issues. While some may say I have on occasion voted against my government on sensitive issues which I felt were issues of principle, issues about which my constituents felt very strongly, I have also supported my government in almost every initiative it has put forward. The government has shown initiative in bringing our deficit into a relative state of stability. It has shown initiative in dealing with agricultural exports and the depletion of fish stocks. All of those issues I have supported, including many of the social initiatives which have been put forward through HRD. I supported those measures.

I am here as a proud Canadian this afternoon. I am not here to argue with my colleagues or to debate sensitive issues. I believe we can find consensus. I am here this afternoon to help my government show leadership in tackling these issues.

I am asking that the Prime Minister give consideration to allowing those of us in the House who feel inclined not to support this legislation, for whatever reason, to vote freely. For me it is a very personal moral issue. It is not just an issue of sexual orientation or of sexual discrimination. I believe it is in the best interests of the party and certainly of Parliament to allow for a free vote where members can exercise their democratic rights. I ask the House be given that privilege in the vote to come.

• (1610)

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I feel for the member very much in what he must be going through in having to rely on someone else to let him know whether he can vote freely. I truly feel for him. I hope he is given permission to vote freely.

Mr. Steckle: Mr. Speaker, I thank the hon. member for his kind sentiments. The Prime Minister has sincerely attempted to find a way to allow the House to address this issue. I also believe that when the vote is called it is my hope yet at this time that we will have a free vote. I am putting out my comments this afternoon so that he may yet hear it one more time before we come to that time.

[Translation]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I have a clear and simple question. Are we to understand from the comments made by the hon. member for Huron—Bruce that, should the Prime Minister impose the party line, he will vote against the bill?

[English]

Mr. Steckle: Mr. Speaker, the accepted view of the House is that on government measures one would support the government. I cannot say what the Prime Minister may do but when that decision is made it has to be the decision of the Prime Minister.

I have told the House, as I have told the Prime Minister and others within the party, that I cannot support this bill. Had there been some amendments giving definitions to the term sexual orientation or the family perhaps we could have addressed this issue differently.

There would be no one in the House who would agree there should be discrimination based on whatever reason. For those reasons and because those amendments will not likely be forthcoming I will not be supporting this legislation.

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I congratulate the courage the member for Huron—Bruce has demonstrated. It is ironic that the hon. member happens to speak to such a wide diversity of truth within Canada.

It is being seen that this piece of legislation has the support of almost every Canadian because no Canadian wants discrimination and our laws protect everybody. However, does the hon. member believe the House is not being served properly when we try to ram through a bill via a motion to limit debate?

Mr. Steckle: Mr. Speaker, I was not in the House when that measure was brought forward this afternoon. I believe this matter is one that should have been debated at full length. I believe there undue hurriedness in the way we are dealing with this bill. I for one moment would not ever have members believe this issue is not of great concern to many people in the House.

However, there are many people across the country who perhaps feel differently than the majority of my constituents, but I do not recall ever being stopped on the street in my community, whether on the back roads or on the streets, where someone has said to me we need legislation to address the discrimination against these people. Perhaps I do not have many of these people, I do not know, but I am not seeing that in my riding.

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I am also hearing this kind of thing from my urban colleagues. For some reason it seems to be coming from a small group of people, which is really the reason why I have not had to deal with this issue in the past. For me it is difficult to believe this is really a pressing issue for Canadians today.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, this is a very important issue to Canadians across the country, there is no question about that.

• (1615)

For the last couple of years ever since we have been elected to this place, I and certainly all members around the House have received all kinds of input from their constituents on this issue. People have strong feelings about it.

I echo the comments of the member for Huron—Bruce. He said people have not been stopping him on the street and asking when there will be gay rights legislation in the House. I have not had that. I have had lots of people come to me and say something quite the opposite: “When will we start supporting our families in this country?” I have had lots of people come to me and say: “When will we stop pandering to special interests?”

I have had that over and over again. This is an issue that deserves the close scrutiny of the House over an extended period of time for a couple of reasons. The public square, represented certainly by this place, is the appropriate way to deal with controversial pieces of legislation. This place of all places should be a spot where we can debate these issues so that at the end of the day we can make an informed decision about where we want to go. Canadians have that right as well.

We are speaking today to Canadians across the country. They deserve to have the benefit of the debate that should take place over an extended period of time from all kinds of members representing all kinds of points of view. That is very important, especially in the House of Commons.

I applaud members across the way who are standing up to their government and saying “maybe we do not agree with you, but we deserve the right to speak to this issue”. That is very fundamental in Parliament, in the House of Commons. That makes eminent sense. I want to talk about that a little more later.

I want to respond to a couple of challenges the minister laid out this morning when he spoke with great conviction. The minister spoke with conviction because he truly believes this legislation will bring gays and lesbians into the fold, that this will make them equal in the country. In his heart that is exactly what he thinks.

The minister spoke about his upbringing and about the convictions he has tried to pass on to his children such as tolerance. That

is admirable. He spoke about the Catholic church’s catechism which teaches we must treat gays and lesbians with respect and compassion. Again, that is admirable.

I am willing to bet that when we stand in the House every morning before the House day begins and say our prayers, everyone says their prayers for all Canadians. They do not say “we discriminate against certain groups, we will not pray for them.”

We can take the word of each person in the House. Knowing many of them, we can take it they believe in the equality of all Canadians. There is not a person in the House who does not believe in the equality of all Canadians.

The question I wish I could address to the minister is whether he really believes when he said those things that it is the government’s role to be compassionate to other people. I do not believe it is.

The government can grant rights. It can grant privileges but it is up to people to be compassionate. The argument for equality is a good one. Equality can only ever come from people. Tolerance can only ever come from people. The only way to broaden the horizons of people is to sit down and have discussions.

One of the best arguments I have ever heard for not having laws against hate literature came from a gay activist from the United States, Jonathan Rauch. He is a gay conservative activist. He said he hates some of the language spewed toward him but he also knows that sometimes the measures taken to correct wrongs in society are actually more damaging than the wrongs themselves. I tend to agree. The way to fix these problems is to have a wide ranging, wide open debate across the country, not jammed into a few days so the government can push through something. That is the wrong way to proceed. People get resentful when they see that. It actually creates division. Let us have a wide ranging debate. Let us listen to the conservative gay activists Jonathan Rauch when he says let us have a wide open, wide ranging debate.

• (1620)

The minister was wrong to imply the government can somehow be compassionate. The real answer is for people to make the decision that they want to treat all people with respect. The only way that can happen is through debate.

The minister’s comments remind me of what Jean Jacques Rousseau said in his famous tome “The Social Contract” in 1762 about people being forced to be free. His argument was that the enlightened few would make the decisions and these would be imposed on the French and they would be forced to be free. It is a great irony because one cannot be forced to be free.

These things have to be settled in the minds and the hearts of individual people. They cannot be forced on people. Equality has

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to come willingly from people. Respect has to come willingly from people. It cannot be forced.

What should we do about the people who do not go along with this argument? What should we do about the people who are truly hateful people and they say they hate someone because of whatever immutable characteristic? There has to be a way to address that. Ninety per cent or ninety-five per cent of people are respectful. The question becomes what do we do about the other people. There have to be some measures in place so that we can deal with those things.

In the past we have had measures to deal with those things. I do not think it is a stretch at all to say some of the best government we had and probably the government which most reflected the wishes of Canadians were governments that used to use their legislatures as opposed to writing into a constitution the values of the people. I refer to the old bill of rights which was a statute law. It was part of the long tradition of parliaments that we have had in this country and also the mother Parliament in England where we have the right as a legislature to overturn previous decisions so that we can better reflect the wishes of the people we purport to represent.

Why not go back to that way of doing things? It worked well. It allowed us to have the power to reflect the views of Canadians from across the country.

In our haste to fix this problem people have taken what appears to be the easiest route. They say let us write it into law. One of the things that happens when we start writing it into the charter and ultimately into the Canadian Human Rights Act and so on, and we forget this, is that when we grant someone a particular right that means we are taking away a bit of a right from somebody else. Rights are nothing but power. Power is something that is a zero sum. There is only so much power out there. As one famous Supreme Court justice in the United States once said, my right to throw a punch is limited by the proximity of your chin. That is dead on.

One of the things we have to ask is who is the power coming from. When we grant someone a right under the charter and then it finds its way through the human rights act and so on, where is the parallel right coming from? Where is that power coming from?

Many members have mentioned they have a concern about the family. I believe some of the rights we are talking about are being taken from families. I will talk about that for a moment.

The minister challenged us to follow the logic through. That is a good challenge and I will try to meet it. He said we need not be afraid of the implications of this legislation. Follow the logic through. I want to do that right now.

The minister is saying this legislation will protect gays and lesbians from discrimination in the workplace. If that logic applies, what about the arguments that gays and lesbians make about the discrimination that is shown to them with respect to marriage and adoption? If these arguments to put protection for gays and lesbians in the Human Rights Act are valid, then they are also by extension valid with respect to benefits, adoption and marriage.

● (1625)

The same logic applies; this cold, hard logic that has no respect for custom, tradition, which is named rationalism. It is the type of logic that, although we do not necessarily see the outcome in this piece of legislation, at the end of the day Canadians will be very surprised to find that they do not like because it certainly could have implications well beyond what it does today.

I think the minister really challenged us to follow the logic through. If we follow the logic through it goes where most Canadians do not want it to go.

The head of EGALE, the organization for gays and lesbians, pointed out this is a first step. The hon. member for Burnaby—Kingsway, a gay activist and a member of this place, pointed out that this is a first step. In other words, it is one more brick in the edifice to building a new set of rights and privileges for gays and lesbians across the country. There have been many previous decisions which have moved them toward their ultimate goal.

The minister is naive to suggest his words will not carry some weight in other legislatures, in public debate and in the courts across the land with respect of future decisions. He is the justice minister of Canada. This will undoubtedly become a law of Parliament especially if the government forces through a party vote and brings down the hard whips of discipline.

If the justice minister's words carry some weight, and I suspect they do, undoubtedly they will influence other legislatures around the country and certainly the courts. They will add weight and give confidence and support to those people who want to pursue a more radical agenda. It is important to point that out.

I want talk for a moment now about families overall, how they came to be so important in society. Over several millennia, across many cultures and many nations we have had different cultures, people who decided in many ways through trial and error that the traditional family as we have come to know it in this country is the best possible family for the rearing of children. The family is so important that it has been afforded many prescriptive rights over thousands of years. By prescriptive rights I mean by custom it has been granted special status in law, in custom, across many lands over these many years.

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It is important to recognize this because the argument the minister and some hon. members are making are outside the context of custom and tradition. They are assuming the cold, hard logic of the minister is the only thing that is important. They say that reason is all powerful and they have deified reason.

I think reason is important, but we have to make our reasoned discussions within the context of custom and tradition and values and religion, et cetera. I know those things are very important to people across the country. I have talked to hundreds of people in my riding and I know how important they are.

• (1630)

I would go further and say that reason alone can never establish values. We have to refer to custom, religion and tradition in order to establish values. The arguments being made today are outside the context of that long tradition in western civilization. That is extremely dangerous because there is not a single act of any kind that cannot be justified through pure cold hard logic and reason. If my self-gratification is all that is important and the common good does not matter a whit, then I can use reason to justify just about any act.

I say to members across the way, let us have this debate about reason but let us put it in the context of the long tradition of western civilization where certain prescriptive rights have been granted to the family and have put it above everything else because it does so much good in society as a whole. We must recognize that over thousands of years these cultures have granted us all kinds of things that we treasure and hold dear, including culture and art. These are things we would not necessarily get from this rationalistic society that is being built through the use of pure cold hard logic alone.

I point again to the great debate in Europe over 220 years ago during the French revolution. Rousseau asserted prior to the revolution: "You will be forced to be free". That is the direction members across the way, perhaps unwittingly, are going. Many of these things cannot be justified when they are put in the context and long tradition of history and culture in western civilization.

Finally I want to say a few words about the need to have a public debate on this, a real debate, where members are allowed to vote freely and represent their constituents. I know what constituents in my riding think. I have asked them time and time again. People have said that they believe legislation like this will begin to erode the ability to stand up for the family.

People ask: If the government is pursuing measures to strengthen the family, then why is it not changing the tax laws which penalize families? Why is the government not doing things for families such as taking the money it would send to day cares and giving it to people so they can remain at home to raise their children? Those are the kinds of questions I get back home.

We certainly do not get questions as to why we are not writing new legislation to protect gays and lesbians. People are not asking for that. Some groups are asking for it, but people in general are not asking for it. Not at all. We need to hear from all those people who are hearing the same message back home.

The chief government whip is here and the government is going to bring down the whip pretty soon and say that we are not allowed to speak. We know the member from Ontario would love to speak to this motion but he will not be allowed to speak, which is a crime. The hon. member for York South—Weston was thrown out of the party. He was muted because he wanted to speak for his constituents. For crying out loud, if we cannot speak in this place where in this country are we free to have the debate?

I challenge the chief government whip, I challenge members across the way to say it is time to let Canadians have their voices heard on this issue through their members of Parliament. I urge the chief government whip and members across the way to push their Prime Minister to allow a free vote on the issue of the inclusion of sexual orientation in the human rights act.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, the hon. member across the way has urged me to make an intervention.

I am probably as old fashioned as they get around this place and I will gladly admit that. As old fashioned as I am, today we are discussing, to use words from the preamble of the bill, the dignity and worth of all individuals. On a day when we are discussing that, a member of this House made a statement which affects the dignity of all individuals, of all Canadians and even of this House. At the same time we as legislators are raking over the coals another member of the House before a parliamentary committee for inappropriate behaviour.

• (1635)

Why is it that the hon. member opposite failed to mention what his position was on the comments which were made by another member on this very day? Those remarks were attributed to him by the press. He never once raised the issue in terms of the dignity of the individual.

It is fine for the member opposite to pontificate and ask if the chief government whip will allow his colleagues a free vote. That is fair game. However, there are things in the House which are not fair game. Yes, we do have freedom of speech. However, we have responsibility for our words.

[*Translation*]

And that responsibility means that we must stand up and say what we have to say. Earlier today, a member made comments that do not befit this place and he has not been seen since. Why did we

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not hear anything? Not even one member of his party dissociated himself or herself from these unacceptable comments.

I ask the hon. member if, after making his comments and admonishing the other parliamentarians in this House, he will have the courage to rise and to dissociate himself from the comments attributed to his colleague?

[English]

Mr. Solberg: Mr. Speaker, I appreciated and expected the hon. member's intervention. It was not a surprise.

The member is saying that another member of my caucus allegedly said something and therefore I am guilty by implication. He is doing exactly what he claims the legislation before the House is protecting against. He is trying to paint me and other members of my party with the same brush because of something a member of our party allegedly said. That is absolutely ridiculous.

Let me say for the record that we believe in the equality of all Canadians. That is not an issue. The issue is: How do we address it? That is the question.

For the member to turn around and say that somehow I am not committed to the equality of all Canadians is utter balderdash and he knows it. He was using trickery in his rhetoric. He was trying to paint all of us with the same brush because of something which a member of my party allegedly said. That is wrong.

I would ask a question of him. How does the hon. member square his own rhetoric on these issues with the employment equity legislation, which he and his government support, which actually grants special rights to certain individuals? Of course it is entirely possible that gays and lesbians will be granted special rights in employment equity legislation down the road. Therefore, people would be required to hire a certain percentage of them to fulfil a quota. How does he square his alleged love of equality with his government's own legislation?

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, the previous speaker talked a lot about the family. Of course in the preamble the bill talks about the family as the foundation of society.

Would the hon. member for Medicine Hat not agree that the definition by the hon. member for Huron—Bruce that a family is only a mother, a father and children leaves out childless couples, single parents and people like myself who consider our grandchildren and children to be our families? We know that not all families are perfect. Regrettably, sexual, physical and emotional abuse does occur within families. Would the member not agree that a better definition might be that loving and caring relationships provide a real foundation for our society?

• (1640)

Mr. Solberg: Mr. Speaker, I would disagree with the hon. member for Yukon.

First, who is going to determine what are loving and caring relationships? Second, I again point to some of the remarks I made in my speech. For over 3,000 years it has been made very clear that society believes and has offered prescriptive rights to an arrangement which includes a man and a woman, their offspring if any, and should somebody die or in the case of divorce, the remnants of that particular arrangement.

What society wants is really what is important, not what the member for Yukon or some other members want. It is that long tradition not only in this country but in western civilization, I would argue the entire world, where we have afforded special attention and special rights in law and in custom to the arrangement I have just mentioned.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, earlier there were some words attributed to the hon. member for Nanaimo—Cowichan. I would like to bring them forward. He indicated that if he had a business and a homosexual was working for him and was responsible for losing business that he would indeed think of letting him go just as he would think of letting anyone else go who was losing business for him.

The member was further asked what he would do if he were a shop owner and a black employee was driving away racist customers. He indicated that he did not know but he thought that an employer should have that sort of freedom, that if someone was working for him and was responsible for his business failing he should be able to say: "Hey, I do not need you in my employ. I am going to switch you to the back of the shop".

The hon. member for Nanaimo—Cowichan, a 67-year old former senior military officer, was asked a second time if a black employee would be fired at a retail establishment because racist customers did not want to shop there. He said: "That one would be a tough one, it would, but I would have to put a black person in the same category I would put a gay or any other minority".

You indicate that members of this party are attempting to paint all members of your party with the same brush. Do you agree—

The Acting Speaker (Mr. Kilger): Order. Before I let the hon. parliamentary secretary complete his question, I would urge him and all other members of the House to direct their interventions through the Chair, not directly across the floor.

Mr. Kirkby: Does the hon. member agree or disagree with the statements put forward by his colleague, the member for Nanaimo—Cowichan?

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Mr. Solberg: Mr. Speaker, those are his alleged comments. Let me address this in two ways.

First, I believe people should be hired and fired on their merits, on their ability to do the job. That is the only criteria upon which people should be hired and fired.

There is a black gentleman who works for me. It is entirely inappropriate to suggest that our party would somehow discriminate against somebody because of their skin colour. That is ridiculous. The proof of the pudding is in the eating of it.

That is why I believe the hon. member across the way and the chief government whip are not being genuine in asking these questions. They are simply trying to throw mud because of what was allegedly said. They are trying to smear members who have never ever in their lives done anything to indicate that they are in any way racist or have shown any other kind of bias toward anybody. It is not very genuine of the hon. member to do that. Frankly, the proof of the pudding is in the eating of it.

[*Translation*]

Mr. Paul DeVillers (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Inter-governmental Affairs, Lib.): Mr. Speaker, I rise today to comment on the bill to amend the Canadian Human Rights Act, which in my opinion will benefit all of Canadian society.

• (1645)

First of all, I would like to congratulate the government on its consistency in delivering on its election promises by introducing its bill to amend the Canadian Human Rights Act.

It is vital that the consequences of amending the act be presented to this House, and accordingly to Canadians. There are too many lies, myths and half truths that have crept into the debate on this amendment.

Some say that the inclusion of sexual orientation as a prohibited ground of discrimination will have the effect of sanctioning crimes such as pedophilia. This is absurd. The proposed amendment in no way sanctions such crimes. Furthermore they are formally prohibited under the Criminal Code and carry various sentences.

I would also like to point out that the Supreme Court of Canada, as well as the Federal Court, have already had an opportunity to rule on the scope of the words "sexual orientation", and that at no time was there any question of broadening the scope of these words to sanction behaviour that is already expressly prohibited by law.

One myth having to do with special rights is also unfortunately raging among opponents to the amendment. In fact, quite the opposite is true, for the purpose of this amendment is to introduce sexual orientation as a prohibited ground of discrimination, which

will protect, of course, gays and lesbians, but also any heterosexual, against discrimination based on sexual orientation.

The amendment is in no way intended to confer special rights on a particular category of Canadian citizen. The principal purpose of this amendment is only to protect against any discrimination in the workplace. It is quite simply not a question of this amendment conferring special privileges, such as the adoption of children, which in any event is a provincial matter, or the possibility of granting benefits to same sex partners.

I come from a so-called traditional, Christian family, and I assure you that the present amendment in no way infringes on family values. Furthermore, the recognition and the support of the government are explicitly set forth in the preamble to the bill to amend the Canadian Human Rights Act, which reads in part as follows:

—whereas the Government recognizes and affirms the importance of family as the foundation of Canadian society and that nothing in this Act alters its fundamental role in society—

The wording of the amendment is explicit in this regard and confirms that the purpose of the amendment is not to take away from the family as the social unit in Canada.

To those who say that this amendment should not be adopted by this House because it is a question of sanctioning an immoral measure, I reply that, on the contrary, it is a question of human rights. The Parliament of Canada has a responsibility to recognize all human rights, including the right not to be discriminated against on the grounds of sexual orientation.

[*English*]

The all-party parliamentary committee on equality rights tabled a report in the House in 1985 unanimously recommending that "the Canadian Human Rights Act be amended to add sexual orientation as a prohibited ground for discrimination to the other grounds".

Although the Tory government at that time pledged to follow through on this recommendation, no action was ever taken. This amendment was promised by the Prime Minister in the last federal election and reiterated by members of the government numerous times since the election.

Many recent court decisions have supported the need to amend the Canadian Human Rights Act. In a landmark decision, *Haig and Birch v. Canada*, the Ontario Court of Appeal held that lesbians and gays have historically been subjected to unjustifiable prejudice and disadvantage, and that the failure of the Canadian Human Rights Act to provide lesbians and gays with any protection against discrimination violates the equality guarantees of the charter of rights.

• (1650)

The Canadian government has spent many millions of dollars defending challenges of laws and regulations that discriminate

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against lesbians and gays. During recent years, it has become evident that the courts are forcing changes to end this discrimination.

With every court case the government loses, our justice system is telling it that the equality rights for gays and lesbians are fundamental and that these rights must be respected. The government can either voluntarily amend laws that discriminate against lesbians and gays or be forced to do so by the courts, case by case, paying the associated legal costs.

It should not be left to the courts to make policy or to rewrite statutes. Admittedly, this amendment has its limitations. It is a federal statute and therefore limited to matters of federal jurisdiction. It does not apply to areas of provincial jurisdiction, for example, religion, education or culture.

Churches, religious organizations and schools are not under federal jurisdiction. They will not be affected in the way that they operate. Matters such as adoption fall primarily under provincial jurisdiction and will not be affected by this amendment.

It does not change the definition of marriage, family or spouse. It does not condone or condemn heterosexuality or homosexuality. The amendment deals with discrimination in employment, accommodation and provision of services.

In a 1994 Angus Reid survey, a large majority of Canadians, 81 per cent, believe that homosexuals in this country experience discrimination at their place of work. Only 9 per cent of Canadians felt that there was no discrimination of homosexuals in the workplace.

The Canadian Human Rights Act applies to the federal government as well as to institutions that are under federal jurisdiction such as banks, railway companies and airlines. Approximately 10 per cent of Canadians work for these employers. That 10 per cent has a right to equal protection of the Canadian Human Rights Act.

Some people have asked that I vote according to the Christian point of view. Even if it was appropriate for me as a member of Parliament and for the House of Commons, Canada's legislature, to make laws on the basis of religious conviction, this would prove to be very difficult since there is no consensus among Christian denominations on the gay and lesbian rights issue. Although a number of clergy are speaking out against equal rights for gays and lesbians, many clergy are actively advocating these changes.

For example, more than 125 priests from the Anglican diocese of Toronto signed a letter stating that sexual orientation should no longer be a cause of discrimination in society, especially in the church, that the church should bless relationships between gay and lesbian couples and that the church allow gay and lesbian priests to have the same rights as their heterosexual colleagues to be in a

committed, loving relationship, including the sexual expression of that love.

Similarly, Canadian Friends Service Committee, a committee of the religious Society of Friends, Quakers in Canada, wrote to the Minister of Justice requesting legislation to prohibit discrimination based on sexual orientation, inclusion of sexual orientation in hate crime legislation and the entrenchment of the principle of recognition of same sex relationships everywhere in the law.

In addition, during the debate of Bill 167 in the Ontario provincial legislature, more than 400 clergy from 135 communities representing 11 denominations signed a petition calling for the extension of the same benefits and rights to heterosexual couples to persons in same sex relationships.

[*Translation*]

In conclusion, I repeat that the inclusion of sexual orientation is not some abstract addition for the sole benefit of the gay and lesbian community, some distant and isolated group on the fringe of Canadian society.

• (1655)

Gays and lesbians are members of our families. They are our brothers, our sisters, our mothers, our fathers, our relatives and our neighbours. Would we want to see these people discriminated against on the basis of any sort of ground having to do with their very being? No. I am certain that the answer of any reasonable Canadian to this question will be a resounding no.

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I would like to begin by congratulating my colleague from Simcoe North for his words, and to comment on how refreshing it is to hear something like this. For the last several hours I have had the impression that we were being treated to speeches from each and every member of the reform wing of the Liberal Party, because we were hearing nothing but the opposite views.

I will ask a question of my hon. colleague, but I wish to start by focussing on a comment he made. I wanted to do so a while ago, but the time allowed for comments was up. When his colleague from Mississauga South was making the connection between pedophilia and homosexuality, I felt this was what would have been called "gay bashing" in any other circumstances.

Why link the two? Is it with the most explicit intention of having the public believe that pedophiles are only found in the homosexual population? The reality is totally the opposite. Looking at the international sex trade, in Asia, or in areas on which there have been reports just recently, Santo Domingo, the Philippines, I would say that, more often than not, those who are involved in pedophilia in those countries, and who come from abroad, are heterosexuals.

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People are entitled to be opposed to this bill—in my opinion this is a fundamental right—but I would like to hear them state their case clearly and particularly to explain their reasons for doing so. When reference is made to this bill's conferring particular rights concerning job equity, I think people are mixing up two pieces of legislation with totally different objectives.

In the case of Bill C-33, the intent is to protect the rights of the individual, all Canadian individuals, regardless of colour, race, or any of the eleven grounds for discrimination. As for the employment equity legislation, it is groups that are being promoted. This is completely different, with completely different objectives, and I would like our hon. colleague for Simcoe North to comment on this.

Mr. DeVillers: Mr. Speaker, I thank my hon. colleague for his comments and his question, even if it is not exactly a question. I thank him nevertheless. I think a lot of people fail to understand the issue with this bill. Many people, perhaps with all goodwill, are concerned and think we are trying to give special rights to people whose way of life they do not share. But, this is not the case at all, as the hon. member pointed out.

We are trying to ensure there is no discrimination against persons whose sexual orientation is not the same as other people's. This bill applies as much to heterosexuals as to gays and lesbians.

• (1700)

This is a point many people often forget. They think the bill exists only to protect the rights of gays and lesbians, and that is not the case.

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I listened carefully to my colleague for Simcoe North.

[*English*]

I was very interested to hear what the hon. member had to say about the rather unusual turn of events by which this act has suddenly become the most pressing issue in the land today. This is certainly a pressing issue in the hon. member's riding, as it was in 1993, which is one of the reasons that we as a party did not put it in the red book.

There seems to be some confusion in the House and across the country as to the human rights act applying only to the provision of goods and services. Would the hon. member not agree that the CPP, spousal benefits, child tax credits, employment equity and the Divorce Act could be technically ruled on not by the House but by the Supreme Court of Canada or, even better, by Mr. Max Yalden, the commissioner of human rights? Would he agree that at some point down the road these items could well be included under this act?

The hon. member raised a couple of constitutional issues which were brought before the Supreme Court, one of them being the Mossop case. The court held that once Parliament passed a bill

dealing with sexual orientation it would affect same sex marriages. Could the hon. member comment on that.

Mr. DeVillers: Mr. Speaker, with respect to the last part of the question on same sex marriages, my understanding is that marriage is within provincial jurisdiction. I am not familiar with the case cited by my hon. colleague. I am not sure at what level it was, if it had been appealed and so on. I am satisfied and confident that the amendments to the Canadian Human Rights Act to include sexual orientation will not affect marriages.

I am not saying that some day same sex marriages will not be recognized. I am not saying whether they should or should not be. That is not before the House at this time. I am dealing with what we have in front of us.

The hon. member also mentioned the red book. I do not know why things were not included in the red book. I was not an author of the red book. I was a member of the party and attended party policy meetings. This measure has been part of Liberal Party policy since 1978. It was voted in by the grassroots levels of the party. As recently as last weekend the Ontario wing of the Liberal Party of Canada passed a motion with a large majority that this measure should be carried out.

The member has indicated this is an issue in my riding. I have had a few calls from people who in good faith have very real concerns. A lot of those concerns are based on inaccuracies; they are concerns that will not follow from these amendments.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I would like to ask for unanimous consent to split my 20 minutes with the member for Ontario.

The Acting Speaker (Mr. Kilger): By way of information for the House, the reason the member for Fraser Valley East is making this request is that in this case our standing orders do not provide for members to share time without unanimous consent.

The House has heard the terms of the request from the hon. member for Fraser Valley East. Is there unanimous consent?

Some hon. members: No.

Mr. Strahl: Mr. Speaker, I guess that is the politics of inclusion. If you do as the big boys say, you will get to speak. If you do not, you take a seat at the back of the bus. That appears to be what is happening here.

• (1705)

In addressing the inclusion of sexual orientation in the human rights act, I want to first assure homosexuals that I bear no ill against them. They are already equal to every Canadian. It has already been established by the courts and I affirm that existing equality. I oppose their political purpose, which I think this bill is really meant to address, to shape political institutions to reflect their values.

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I bear no ill will toward the justice minister. I think he honestly believes that he is doing the right thing by introducing this bill. When I listen to him, and I have at length, he speaks with a tender conscience. He really believes this is necessary, but he is sorely misinformed. I will discuss my reasons for believing this.

The inclusion of sexual orientation in any human rights act in Canada is not really about discrimination but about special rights. In 1994 in anticipation of this bill I wrote to every provincial human rights commission. I asked them for their evidence in support of the inclusion of sexual orientation in their legislation. Why did they do it?

Not one provincial government offered an explanation and some said clearly that it was just a political decision following a political appeal. There were a few submissions to provincial parliaments by gay rights groups which inevitably told anecdotal stories about violence against gay men, something which no human rights code in the country has the power to touch. Acts of violence are already covered under the Criminal Code, as they should be.

I encourage all police departments in the country to actively pursue any allegations of violence against or between homosexuals. Absolutely. If people commit those crimes they should be prosecuted, which is what the Criminal Code is for. Violence is really a red herring in this argument. It is not what the human rights act is meant to address.

This bill is about special rights. As an example of the road it is heading down, I quote from debate on a private member's bill brought forward by the member for Burnaby—Kingsway on April 16. This is what he would like us to eventually get to: "It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent, eliminate or reduce disadvantages that are suffered by any group of individuals based on sexual orientation".

In other words, the member's written purpose is that he wants special status given to people based on sexual orientation in hiring and promotion. He wants it added to the employment equity bill.

Last night during a press conference this same member made a very significant statement: "This bill is one step on the road to equality". It is only one step. If this bill passes I believe homosexuals will use it to demand the courts to include them as a designated group in the federal Employment Equity Act. It does not matter that the section about special plans I have just read is not contained in the legislation before us today. It will be demanded from and given by the courts.

Inclusion as a designated group in the Employment Equity Act will give gays access to preferential hiring in the federal public service and crown corporations. Just as the government recently

announced set asides on government procurements for aboriginals, so gay-run businesses may one day ask for and possibly receive special procurement handouts from the federal government, all enforced by the courts and backed by this legislation.

This group already enjoys above average education and income in Canada, so the bill is not in essence about discrimination. The courts have already declared that they are protected. This bill is all about special rights, about power, privilege and money. It is about a tiny group in our society manipulating politicians, manipulating public institutions to serve their own interests.

What should we do if we do not want this to happen? We should stop the process right here and now. To vote for the legislation is to entrench the process which makes it inevitable. That is one part of this legislation I think many Canadians have difficulty with, but there is a greater issue.

An understanding of the political process in Canada is vital to the complete understanding of what is happening today with this bill. Canada's political process is above all, if nothing else, incremental. Step by step, bit by bit, little by little victories are won until the political purpose is achieved.

Pick an issue, nearly any issue. Take free trade. It takes a century to get free trade. Take abolition of capital punishment. It took a long time. The abortion rights movement started in the sixties and was not really achieved until the nineties. That is the way it happens. It is political incrementalism which also applies to changing the attitudes of North Americans toward sexuality.

• (1710)

Western culture used to have many sexual taboos, some good, some bad. The struggle has gone on now for some time, accelerated by the mass media and compliant politicians. The struggle is to eliminate the moral taboos of right and wrong as they apply to sex. Some taboos in our society linger but they are falling bit by bit. They can talk about this in the preamble, but even marriage is not immune to the attacks of incrementalism.

The supreme court decided in May of last year that unmarried couples should be regarded as a historically disadvantaged group. In other words, they are disadvantaged and we should have programs to make sure they are looked after properly. In other words, married people do not get treated as well before the government as unmarried people.

In the same way homosexuality used to be a taboo, but along with other sexual activities the discriminating labels of right and wrong have been removed and now only a few taboos remain.

Last night when the member for Burnaby—Kingsway said that this bill is one step on the road to equality, he gave a very concise and accurate summary of what I have been saying. First, the

amendment is just a small step toward the eventual goal. The member said this amendment will not achieve his goal.

Second, his goal on this road is equality. What sort of equality was he talking about? The member was talking about equal access to housing, equal access to employment. However, these two are just steps toward what I think is his eventual goal.

He is really talking about equality in all areas between homosexuals and heterosexuals. This logically requires that homosexuals receive all the recognition, all the the benefits, all the social endorsements which currently belong to marriage relationships.

The few outspoken gay members of Parliament will never rest, I believe, until they have achieved the rest of the marriage package, including adoption, and every other benefit available now to the traditional heterosexual family unit.

Last year we voted down the package on same sex benefits. The cabinet voted against it, but it did not matter because Treasury Board has moved ahead and given those benefits as the next step of this incremental giveaway plan.

The process does not end there, to the more. If I can call them traditional homosexuals, if they can be called traditional, I sincerely believe they think this incrementalism will stop once they get a package. That package includes, marriage, benefits and a few things like that. However, I think they are mistaken, which is where the term sexual orientation is significantly different from the word homosexual.

The minister did not bring forward an amendment that mentioned homosexuals. He brought in sexual orientation, which I believe will open up a can of worms, and we have yet to know where that may lead us.

If we think about it, 20 years ago homosexuals were radicals who would not propose some of the things they are asking for today. However, their political dreams are coming to fruition with this addition of sexual orientation to the human rights act.

Who are today's radicals? Who are the ones who are pushing the envelope today? They are people like lesbians from *Buddies in Bad Times Theatre* in Toronto. The *Globe and Mail*, a constant advocate of gay rights, said the company performed what it called an enticing play this last week. Yet *Buddies in Bad Times Theatre* is a group which advocates sado-masochism and rape play. Its members are bullies who advocate violent sex and physically intimidate anybody who dares to publicly disagree with them.

Today's radicals are people like Gerald Hannon, the prostitute professor from Ryerson University in Toronto, who says he sees sex between men and boys as the equivalent of a hockey game.

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How is he different from yesterday's radical? He is different only in that he takes that process one step further. In his mind the process of sexual equalization has simply gone one step further than the others on the road to the idea of equality.

The final logical goal which will be carried forward by successive radicals until it is achieved is equality of all sexual forms. Here I quote from the statement of principles of the Vancouver gay and lesbian newspaper called *ANGLES*. It is a mainstream gay newspaper. Their statement of principles says:

ANGLES' commitment to the goals of bisexual, lesbian and gay liberation includes a commitment to—the right of all people regardless of age, ethnicity, class, physical appearance or ability to full and equal participation in all aspects, including sexual, of the gay, lesbian and bisexual communities without exploitation.

● (1715)

To the radicals of today, every age group should have the right to consensual sex. Sex without age boundaries is another step in the movement of these radicals toward the equalization of all sexual behaviour. This legislation, with undefined sexual orientation, is an open door to that end.

Even after that is accomplished the road does not end. It continues and the landscape becomes pretty bizarre, so much so that I will not mention some of the wilder sex acts which the fringe groups might currently be promoting. As fringe groups, they will be constantly chipping away, asking for the recognition and acceptance of their particular style.

Today many of the speakers are talking about homosexuality. That is not what the bill says. The bill says sexual orientation. Tomorrow we may face a question about sex between adults and children, about incest and about negative forms of sexual expression. It is hard to say what may happen down the road. The undefined term sexual orientation is being placed into the hands of radicals. They could drive a legal truck through it.

Witness after witness who appeared before the Standing Committee on Justice and Legal Affairs confirmed that the definition could easily cover any sexual orientation. The Minister of Justice denies this.

I am not being an alarmist. These are the words of John Conroy of the Canadian Bar Association when he was asked about the definition of sexual orientation: "It could be any kind of sexual orientation, and it could be something that, as you say, is illegal".

Here is what the director of the Ottawa region of the Criminal Lawyers Association said to the justice committee: "Sexual orientation is a crucial factor of pedophilia; a fundamental component of a true pedophile is his or her sexual orientation. Certainly sexual orientation is a key and fundamental component of pedophilia".

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I know that many of the speeches have been about homosexuality. Members may not realize that sexual orientation does not deal only with homosexuality, it also deals with a whole area of unknown sexual orientation which we will not see until the courts have made their interpretations.

What do we do if we are travelling the wrong way down a road which has a dead end that we do not want to reach? It is simple. We stop. If we want to stop the concept that all forms of sexual orientation are equal, we must stop the process by voting against this bill now.

There is another problem with the bill. Many people would say it is a question of conscience or a moral problem. I believe the government will be introducing a grave contradiction in the human rights act by including sexual orientation alongside religion. The truth is, as has been noted by previous speakers, that every major religion from ancient times has attached some quality of morality to sexual activity. There may be differences but there has always been some kind of moral quality attached to it.

In the eyes of millions of Canadians, myself among them, who hold to the fixed belief that sexual questions are questions of morality, the government will now grant preferential rights to people specifically because of their sexual activity. The government is attempting to push through the bill with a soft sell approach. It gives warm assurances that inclusion will not lead to family benefits, broad definitions of sexual orientation or affirmative action. It is only talking about access to housing and to jobs. That is untrue.

The government is trying to slide this bill through Parliament on a bed of smooth words. After that we will have to live with the consequences of those words.

Because of this amendment, religion and sexual orientation will come into conflict, as homosexuals and other groups demand that their definition of morality be included in every aspect of life. The rights of religious groups and individuals and the freedom of federal structures to be guided by traditional moral values will be eroded. I am talking about everything from taxation to government programs to our system of marriage and family law.

Whose rights will suffer when these two opposing world views come into conflict? What will happen when a preacher says on the radio that homosexuality is wrong, that it is immoral. Will he be taken before the CRTC and told to stop preaching because it is wrong? Such accusations have already been brought and will be brought again.

• (1720)

What will happen when a Christian television station is denied a licence because of its belief about homosexuality? What if someone just says it is wrong? This is a matter of freedom between

two opposing views. Regardless of which side we take, someone will have to decide. The courts will have to pick a winner out of that situation.

When that happens I wonder to whom the religious groups will appeal when they are denied a right to their own beliefs. Whether one agrees with them or not, what will happen? Will they appeal to the Canadian Human Rights Commission? I do not think so because the Canadian Human Rights Commission will say that there is a contradiction here and that it is going to have to choose between the two.

It has already happened where people are afraid to take action and say things that they would otherwise say because of fear of reprisal, of people using the weapon of the Canadian Human Rights Commission. Because of court cases and so on, people are already wondering if it is all right to say what they really believe in their hearts or do they have to couch it through the filter of the Canadian Human Rights Commission.

Those who push for inclusion use two great weapons in their battle. The first one they use is scorn by saying: "What can it hurt to give me this little freedom? What are you afraid of? What is the matter with you?" This is their first weapon.

The second weapon they use is trying to impugn shame by saying that you are guilty of wrongful discrimination. In other words they are saying: "How can you call my behaviour wrong? You are arbitrarily discriminating against my choices". Implicit in those accusations is that everything is equal under the sun and all people will do whatever is right and have a good day doing it.

However, I will not be scorned in pointing toward the end of the road that I believe this government is taking us. I am not ashamed to say that I do not believe that all sexual behaviours are equal. I think many people on both sides of the House today have already explained their concerns. They do not want persecution of homosexuals, nor do they want some kind of a witch hunt against people. They are saying that they have concerns about the traditional family unit and about the shrinking batch of benefits, the declining amount of money that is available for benefits that will be spread out to a greater number of people.

People have legitimate concerns and for that reason, and this is certainly the place to bring it up, I believe that not all sexual behaviours are equal, certainly when it comes to benefits and so on.

The concept that has built this nation is the traditional family unit. I believe the member for Yukon said that was not true and that what we should say is that loving, human relationships are the founding unit of society. I disagree. I say it is the structure of the family where a monogamous husband and wife have children together and provide a loving and caring place of nurture for those children. That provides the best basis for society to have children who are well-adjusted and can take their proper place in society.

Obviously this system breaks down but it is not wrong to say that is the ideal we should be trying for. In that sense the nuclear family has been tried and tested for years and years.

As I said at the start of my presentation, I believe that the justice minister has a tender heart on this issue. If I truly believed that this amendment was merely about discriminatory hiring practices in the federal government, something for which there is no rampant evidence, I would support it. However, this bill is all about special privileges. It is about taking one more step down a dark, uncharted path toward the acceptance of all behaviour. It is about removing the freedom to publicly promote matters of religious conscience without fear of reprisal.

• (1725)

It was once said that the government has no place in the bedrooms of the nation, but there are groups that have worked hard to force this issue on to the political agenda. I would tell them that their bedrooms have no place in the government of this nation.

I urge all hon. members to think twice before supporting this bill. The rights that have been talked about here are not a small, narrow door. They are a broad door that leads us to an unknown path.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, I have listened and I am trying to understand because the hon. member who has just spoken is an honourable man. I have had conversations with him many times over the last two and a half years and I know that to be the case.

What troubles me in this debate is that situations will arise for real people. Those real people will be our brothers and sisters, our children, our friends and our co-workers. We know that most people feel that in the workplace there should not be discrimination.

I am aware that one of the other hon. colleagues talked about it being okay to discriminate in the workplace based on somebody's sexual orientation. I ask my hon. friend this question. If it was your child who faced this discrimination, where would you tell them to go? What would you do?

If you cannot look to the law of the land, where would you go—

The Acting Speaker (Mr. Kilger): Please, while I am on my feet, let me take the opportunity—I do not get much exercise—to tell the hon. parliamentary secretary that interventions have to be made through the Speaker. It comes to light particularly when we discuss matters about which members hold very strong convictions.

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By their nature, they can be very controversial. I encourage members to make their interventions through the Chair.

Mrs. Barnes: I apologize. I will do that. It is as you have stated. I would ask my hon. colleague to tell me what he would do if he did not have this non-discriminatory law as the law of the country.

Mr. Strahl: Mr. Speaker, I already mentioned at two or three places in my speech because I wanted to be very clear, that I do not believe that Canadians, certainly not myself and certainly not our party, will accept discrimination against people who have a job, wherever that job might be. They could be sales clerks or whoever.

We say that the hiring and firing of people should be based on merit. If they can do the job, then that should be the criteria. We have said that consistently. Any statements to the contrary are simply untrue.

When it is a statement of intent for what we would like to see for Canada, on everything from immigration to hiring practices to policies of the federal government Reformers believe that it should be racially neutral, colour blind and gender blind. It should assume that all people are equal before the law.

When they are not treated equally then they should have the opportunity, and they do, to take the matter to a court and say: "I have been discriminated against based on my gender, my colour—", or whatever, and, "They would not rent me an apartment because I am black".

When that happens, I say throw the book at them. They cannot be discriminated against. That is something that we have been consistent about.

One has to use these words carefully because maybe they have been overused. How many of us, I would think probably on both sides of the House, have used the words of Martin Luther King, Jr. who said: "I dream of a day when the sons of former slaves and the sons of former slave owners can sit down together at the table. I dream of a day when my son will be judged, not on the colour of his skin but on the content of his character".

Let us move away from the idea of grouping people, selecting them out and categorizing them, putting them in slots, in pigeon holes and designing programs based on something that cannot be changed. If we were to treat one another equally, we would be far ahead of what we have here before us today. I urge all members to think in terms of the equality of all Canadians, not in terms of dividing up people in groups.

The Acting Speaker (Mr. Kilger): It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS***[English]***TAXPAYERS BILL OF RIGHTS**

Mr. Alex Shepherd (Durham, Lib.) moved that Bill C-215, an act to appoint a taxation ombudsman and to amend the Income Tax Act to establish certain rights of taxpayers, be read a second time and referred to a committee.

He said: Mr. Speaker, it is a great pleasure today to finally have a private member's bill brought before the House. I regret it is not a votable bill but that is the way of this place.

This bill originally was part of a larger package of the general concept of tax reform. Another private member's bill which is also in the hopper talks about changing the accountability of government legislation and how we cost government programs coming before the House. Another portion of the bill was to deal with the capacity of individuals in this country to sustain tax increases, in other words, to put an upper limit on the amount of tax to be extracted from people.

I do not think I have to tell the House that Canada has one of the highest taxation administrations in the world. I think it is second only to France in the western world. This is causing a great strain on our economy. It is causing a significant reduction in disposable income and the ability of people to purchase and create a robust economy.

My background is in accounting. I am a chartered accountant and practised in the taxation area for 25 years. I advised clients and dealt with their tax matters with Revenue Canada. My father and many of his associates also worked for Revenue Canada and were tax auditors. I have an understanding of how the taxation system works and how the administration of Revenue Canada operates.

The Canadian Taxpayers Federation, which represents taxpayers throughout Canada, has said that it would be well served to have this kind of legislation outlining the basic rights of taxpayers. There is a wide base of support for this kind of legislation.

We were debating in the House today a Canadian human rights amendment which is to prevent discrimination against certain groups in our society. It is surprising that we have not taken the time to consider a significant minority group in this country, the taxpayers. There are over 13 million taxpayers in Canada. Surprisingly they have very few fundamental rights. In its guide, Revenue Canada has about 240 words on the rights that taxpayers have. They are mainly platitudes and there is not a lot about how one gets restitution if the system does not work.

The people at Revenue Canada are basically fair minded. As a general principle I have found them to be concerned about the issues of Canadian dignity and so forth. Having said that, the reality is our tax collection system has been pushed to where it is trying to extract the maximum amount of money it can within its constitutional parameters. From time to time people in the department cross the line. In their desire to extract money from people they infringe on the individual rights of people.

• (1735)

I call it Caesar. As a matter of fact those people watching out there are going to see the hand of Caesar in the House today. We can actually see the hand of Caesar represented in some hon. members who are going to speak against it. I respect the rights of my colleagues but it is surprising that a number of people will defend that Revenue Canada considers some of the concerns of private individuals.

The United States already has a taxpayers bill of rights. Senator Pryor brought forward legislation in 1988. It has now been amended a second time in the United States.

The United Kingdom has a taxpayers ombudsman as does New Zealand and many Scandinavian countries. You can see this is not a novel concept. In fact it has been accepted in most other tax jurisdictions except Canada. Do we need this kind of legislation? Do we need to protect taxpayers? I will give some examples of what I am talking about.

In my riding there is a woman named Cheryl Sassville who is a single mom. She was dinged for not paying tax on her child support payments, a common problem with many single mothers. She came to an arrangement with Revenue Canada that she would pay it off over a prescribed period of time. This lasted about two or three years. She went through one collection officer and everything was great. She went through another collection officer and that was fine. She was paying as agreed.

Then she got a collection officer who said that it was not fine. He was trying to make waves for himself in Revenue Canada. This sometimes happens. Her whole life was in balance and what Revenue Canada did was it seized her bank account and got \$94. This woman had a heart attack over it and she lost two weeks of work. It cost her \$700 and Revenue Canada never said it was sorry. It did not even give her the \$94 back.

Another incident which occurred recently is the change to the Canada-U.S. tax treaty. What has happened there is we have taxed seniors in this country, people who are receiving social security payments on American income. That might seem novel and not a big problem, but there are 81,000 seniors in Canada who have been affected by that legislation. Many of these people are low income seniors.

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There is the example of Elen Mowat, a woman who was earning \$14,000 in total retirement income. About \$10,000 is social security she gets from the United States. She was hit for 25 per cent in tax, \$2,500 from somebody who is only making \$14,000 a year. What did Revenue Canada tell her to do? It told her to go and lobby Washington. Her own government told her to go and lobby Washington.

A letter just came in today from a Mrs. Leona Jeremy of Middleton, Nova Scotia. Because our government does not take into account the fact that this tax occurred, her guaranteed income supplement is reduced.

These people are living below the poverty line. Do we need somebody to take care of this problem? Can these people afford tax lawyers and accountants to appeal their cases? No they cannot and that is why I am here today.

Another incident concerns medical exemptions. In 1991 Revenue Canada decided it wanted to change how it was going to calculate the medical exemptions. The only problem is it was not widely distributed in the population. People continued claiming under the old system. In 1994 it decided to get tough with these people.

Mr. Roberts in my riding had no idea that the legislation had changed. Revenue Canada turned around and simply reassessed him for \$1,000 and told him to pay right now. Mr. Roberts earns less than \$12,000 a year. He cannot afford to pay the money. There does not seem to be anyone who wants to listen to his problems.

The *Financial Post* has done lots of polls on people's attitudes toward the taxation system. Poll after poll has said that people want to be part of the process. They want to have something to say and they want protection from some of these problems.

These are some of the features of my legislation. I talk about legislated standards for audit completion. What do I mean by that? It means if an audit is started on a small or medium size business it has to be finished some day. I have seen it happen time and time again where an audit is started and goes on and on for years, sometimes two years. It ties up the whole business operation. People's lives are put in limbo while they are going through the audit process.

• (1740)

My legislation also says it is up to that taxpayer who has made a mistake that they can avoid the six month period. The reality is it is up to Revenue Canada to execute its mandate within a reasonable time frame and to give proper notice prior to seizures.

I have seen time and time again that small and medium sized businesses have had their bank accounts seized. It could be an error. They are not even given notice. The money is just taken out of their bank accounts and then Revenue Canada says it made a

mistake. It can affect their credit ratings. I am suggesting that the legislative powers of Revenue Canada need to be used moderately.

Another aspect of my bill would give people an understanding of the Income Tax Act. We are constantly changing the taxation system somewhat randomly. My legislation says that no change in any one year should affect more than 1 per cent of the taxpayers and no cumulative changes should affect more than 3 per cent and that major tax changes which affect the lifestyle of people will only occur every 10 years.

If this legislation were in place, people would have a greater understanding of the taxation system. They would learn to understand it and possibly even learn to respect it.

The other thing is to prevent arbitrary cancellation of payment agreements. I was just talking about people over 60 being forced from their homes. How could anybody in the House argue against that? If people over 60 years of age for whatever reason, possibly the death of a spouse, trigger the tax liability, Revenue Canada can force them to sell their house. I am suggesting that the house be mortgaged and wait until the demise of the sole spouse, but do not force people from their homes. This is only reasonable in our society.

Finally, I come to the issue of an ombudsman, to which some other speakers will probably object because the hand of Caesar does not want to be questioned.

Revenue Canada has 38,500 employees which is equal to 60 per cent of the entire armed forces of the country, and a budget of over \$2 billion. Within that framework 10 or 20 employees could be found to create an office of an ombudsman to protect 13 million people from the random and arbitrary nature which sometimes occurs at Revenue Canada. Some will say it is impossible, that it cannot be done. However, Revenue Canada is hiring all kinds of people to deal with the enforcement of the GST. Money can be found to do that but we cannot find money to protect the people of Canada.

The House and the committee just went through the whole process of looking at the concept of an ombudsman for our financial institutions. Why? We thought that people were being taken advantage of by their financial institutions, by banks. The banks have set up their own ombudsman. As a government we forced them to have a national ombudsman to protect the rights of people. Why is it that we are not prepared to protect the same rights of people within our own government structure yet we will force the banks in the private sector to carry on with that legislative agenda?

I talked earlier about the United Kingdom model. When we talked with the banks about the provision of an ombudsman, I had an opportunity to talk to the ombudsman from the United Kingdom. He told me the system worked very well.

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Some of my colleagues would suggest if we have an ombudsman everyone will appeal their case and the whole system will fall apart. There could be a screening device and we could monitor for clearly spurious cases where people were simply trying to delay paying taxes.

The ombudsman system in the United Kingdom is a bit odd because it actually thinks that members of Parliament have some power. Complaints are put through members of Parliament who in turn make decisions as to whether or not there is a valid complaint. I am not suggesting that for us. I am just illustrating how other jurisdictions such as the United Kingdom and New Zealand have dealt with the problem.

● (1745)

What we are asking for is a very simple and efficient dispute settlement mechanism. Some of my colleagues will suggest that Revenue Canada can do it all by itself. I would like to suggest that it has not done it by itself. As a matter of fact, a recent Supreme Court of Canada decision recognized that Revenue Canada had changed its attitude in an audit situation. It was forcing people to pay money which they did not owe. The court actually made a decision to tell these people to sit down and talk calmly to each other. Imagine that. I think that clearly indicates a need. The Supreme Court of Canada is telling us there is a need for some form of ombudsman.

We have developed a litigation system in Canada. The way individuals solve their taxation problems is to get a lawyer. The people I just talked about cannot afford a lawyer. They cannot afford to go to Washington to protest. They cannot afford the \$1,000 that Revenue Canada is randomly extracting from them. There is no place for them to go.

Some people would say they should go through the political system, that they should go through the minister. Revenue Canada does not want that kind of intervention. It does not want to be monitored. It wants to have a free rein and not to be held in check.

I feel we have to temper the hand of Caesar. It has happened in all civilizations. It is interesting to note a book on the history of taxation of the world. This book is about people who have dealt with this in earlier days. This is from the theodectian code of laws under Constantine. It states: "If any person shall complain in court that payment has been unduly exacted of him, or that he has sustained any arrogance, and if he should be able to prove this fact, a severe sentence shall be pronounced against such tax collector". We do not have that legislation today. The Romans addressed the problem and understood that people were to be treated with dignity and respect.

I am not suggesting that the system is out of order and that it runs rampant over the rights of people as a general course of action.

However, I have witnessed situations where it has. My legislation would address that. It would give people the ability to go to an ombudsman to get restitution, such as Mrs. Sassville. That poor woman never got her \$700 back. She is entitled to her \$700. I remember that woman coming into my office in December. She said: "I cannot buy groceries for my kids. I cannot buy a Christmas turkey". I had to send her to the food bank. That woman's dignity was broken and she is owed an apology. That apology never came, even though I asked for one.

This legislation would add a certain degree of dignity and respect to the system. People would have more respect for the system in the way it dealt with them. Through that process they would understand and believe that the system was fair and they would be happier about paying their taxes.

This is only one part of a long process which I have in line. It is very hard to introduce major legislation to change the income tax system through private members' bills, but I will continue on that course.

[Translation]

Mr. René Laurin (Joliette, BQ): Mr. Speaker, the bill before us today reflects the best intentions in the world to protect taxpayers.

● (1750)

Low income taxpayers, who, we are told, often feel singled out by mean taxation officials, might be looking forward to this bill, Bill C-215, with great hope and confidence.

In my opinion, however, Bill C-215, which was introduced by my colleague, the hon. member for Durham, opens the door to too much abuse. This bill calls for two types of measures, both aimed at reducing Revenue Canada's powers and reinforcing taxpayers' rights against taxation authorities.

Of course, one might think that Revenue Canada already has far too much power, that its powers must be reduced, while vulnerable taxpayers need more protection. In principle, this is true. In practice, however, there are ways to protect taxpayers better without leaving the door open to even greater inequities.

As it stands, this bill could lead to some inequities. It would be dangerous to aggravate tax inequities because those who would benefit the most still pay taxes. The worst off are not low income taxpayers who can barely pay their taxes, but those who enjoy good incomes, who already pay a lot of taxes, who would have more opportunities to avoid paying taxes, to circumvent their obligation to pay taxes.

We in Canada have a voluntary taxation system, in that taxpayers voluntarily agree to report their income at the end of every year and to send Revenue Canada their fair and equitable share of taxes. Taxpayers must calculate how much they owe by gathering the

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information required in accordance with the law, report all their income, and send the government their share of taxes on this income. Unfortunately, the bill before us would not allow us to adhere to this great principle of fairness for all taxpayers.

I am referring to clauses 2 to 7. These clauses call for the establishment of a taxation ombudsman. This ombudsman would be appointed by the cabinet for a term of seven years and might be appointed for another seven-year term. If we had to appoint an ombudsman for all the departments now in Ottawa, we would be faced with an army of public servants and perhaps even greater injustice than we are already experiencing.

In my opinion, there are other measures that would cost less. The taxation ombudsman suggested here would soon, in my opinion, be swamped with work and complaints, because who would not be tempted, faced with a ruling from the department of revenue, to turn to an ombudsman? There would be no end of claims, complaints lodged with the ombudsman, who, in turn, would have to hire another army of public servants to look into each of the complaints, many of which involve small amounts.

Current procedures allow taxpayers a means of defence. First, there is the initial notice of appeal. If the reassessment, as it is called, is not satisfactory, the taxpayer may appeal to the Tax Court of Canada, which itself suggests two mechanisms for handling complaints: one of a general nature for cases involving large amounts of money, and an informal mechanism for complaints of \$12,000 or less. And it costs taxpayers nothing to defend themselves before this court. They can represent themselves, without having to pay a lawyer to do so.

What is needed, in order to meet the hon. member's objectives, is for the public servants now handling our tax problems to take a more humane approach. Most of them are excellent people, who want to perform their duty, to assume their responsibilities. And at a time when jobs are scarce, in their day to day duties these public servants want to acquit themselves properly of their duties.

• (1755)

So, when the Minister of Revenue tells them: "Dear employees, this year your task is to get as much money as possible back from the taxpayer", you can imagine that they do not want to lose their jobs. They take their jobs seriously and they harass and squeeze the taxpayer to get the last drop possible out of them. Then they report to their superiors: "Today, my esteemed superior, I have bagged five taxpayers. Two of them burst into tears, one felt he was having his throat cut, the other, I have his shirt here, and the last has vanished. So, dear boss, I did my best to bag them today. The state is the winner today, because I got many hundreds of dollars from the pockets of those poor taxpayers". But that is not, I think, the object of the exercise.

Sometimes I see taxpayers in my office. For example, I have a man who owed \$800 in taxes. Being a small time taxpayer with a low salary, he reaches an agreement with a taxation employee to pay \$50 a month until the taxes owing are all paid. Revenue Canada accepts the agreement.

A few months later, Revenue Canada learns that the indebted taxpayer has filed his income tax and is expecting \$200 back. So the Department of Revenue goes into hunting mode and tries to stop the \$200 refund in order to claim it for itself, on the pretext that the taxpayer owed money to the tax people, despite the agreement that had already been reached. We tend to feel there is abuse in cases such as this on the part of tax officials, and rightly so, no doubt.

What we need, instead of a bill that opens wide the doors to other abuses, is a minister who will direct his officials to use judgement and to treat each case of unpaid taxes a little more humanely, with a little more thought for the taxpayer. When a taxpayer has made an agreement with the department of revenue, the agreement is usually kept. If the department of revenue wants to make sure that more money is coming in, it should first go after those who have the means to avoid paying taxes, to have a host of experts to advise them on how to make use of tax shelters. These are the people they should go after.

I regret having to speak against this bill whose intention is nevertheless, I repeat, excellent and highly laudable. But to support it reminds me of when we were children playing cat and mouse. I do not know whether you remember the game. You stood in a circle, boys and girls together, and held hands. When the mouse was in the middle, you linked arms and bent over to keep the cat from getting in and jumping on the mouse.

Today, the bill lets the cat and the mouse out at the same time. So when the cat and the mouse are left to themselves, the department of revenue goes after the smallest, and you can be sure it catches its prey. What needs to be done is this: rather than pass legislation that will result in further abuse, we should make relations between taxation officials and the taxpayer more humanitarian so that they are more humane, more civilized and more at the level of the ordinary taxpayer.

[English]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I would like to compliment the member for Durham for putting forward his private member's bill. Also I would like to compliment him on the style in which he delivered his ideas. The arguments and passion which he used were very persuasive. It is always nice to hear somebody speaking from the heart and with conviction rather than reading a canned speech from one of his staff members preaching the party line, which happens in all parties. Having worked with the hon. member in the Standing Committee on Finance, I believe he is

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a Liberal who does care about the issues and who matches that caring with positive and concrete ideas.

• (1800)

He said some things today which I definitely support and agree with. He talked about the audit process which sometimes goes on forever. When auditors come into an office, they will there for one or two days or one or two weeks. If they are there for very long, they have to start justifying their time by squeezing out every dollar they can. Heaven forbid they audit one place for five days and leave saying that this company has a clean bill of health. Because there is a cost to the department, the auditor has to get a pound of flesh. The member's concept that those audits which go on endlessly and which become almost a persecution should have a beginning and an end is an excellent idea and one I support.

Another excellent idea is the example of proper notice. Revenue Canada should not be able to seize one's funds or garnishee one's accounts without giving notice. It is embarrassing. Most times there is not even the courtesy of a phone call. This is still another excellent suggestion to look into.

I really liked the analogy to banks. The hon. member indicated that the House has passed legislation to force financial institutions to have an ombudsman, yet the government does not want anyone to check into what it does.

The Prime Minister knows that integrity, honesty and respect for politicians are at an all-time low. He knew that when he sat on this side of the House. He promised to appoint an ethics commissioner to monitor any potential wrongdoing.

Now this member has made the suggestion that we should have an ombudsman who would look at and review what happens at Revenue Canada. In that way the taxpayers, the people who pay the bills, who sometimes make mistakes and sometimes do not, would have someone to go to and actually lodge a complaint about their concerns.

I know the member for Durham has had complaints and phone calls from his constituency and so have I from mine. I sit there and am helpless. I cannot do anything. I try to go through the minister to get an answer. A file is created and the best that I can do after a period of time, two or three or four months, is to get a response on why the decision or the actions of the department are consistent with the intentions and the objectives of the department and therefore there is not much one can do.

I really feel that some of the points made by the member are excellent. These examples are worth remembering because I feel that we do need to look at the Department of National Revenue and at taxation. We need to dispel that myth and make it more taxpayer friendly.

I have my way of doing it, which is a flat tax, but another way to make taxation and taxes taxpayer friendly is to reduce the friction between the taxpayer and the tax collector. Right now the only appeal and the only court of appeal that a taxpayer has is to hire a lawyer at a cost which most of the ones who are picked on cannot afford, to file an appeal and perhaps lose. It is a shame.

The examples that the member for Durham pointed out, of those people who need help, the seniors, the individuals with low income, cannot get help. They are the very people who need help.

I said earlier that this is a Liberal member who really cares. He has suggestions to show how he cares rather than the general rank and file of Liberals who say they care and just dish out the money. Even if it is people making \$25,000 they get it, they do not care, they feel good, they have thrown out the money. This member wants the money to go to those people who need it and I compliment and applaud him for that effort.

Pushing taxpayer's rights is an excellent concept. Taxpayers need a taxpayers' protection act, anything along those lines are worthwhile pursuing. I like his idea, as well, of a six-month process from beginning to end or Revenue Canada loses its claim.

• (1805)

I have some concerns, however, and I would like to point those out. The member from the Bloc Quebecois has touched on some of them. The work overload for an ombudsman in this bill, as it stands, could be enormous. This person would have to hire a lot more people quickly because there is a backlog of high level appeals and complaints already at Revenue Canada. People have to wait.

Having another department will create work overload. That is a concern. It creates another level of bureaucracy. There is nothing in this bill that outlines how the member perceives the cost, the size of the department, how it would relate and put a number to it. This kind of activity, this recourse would probably cost the taxpayers x but the benefit to the taxpayers would be y .

Looking at clause 4(2), it is perhaps giving the ombudsman a little too much power. He can examine any person under oath. These are concerns I am pointing out. Perhaps after discussion or constructive discussion, these things can be improved upon.

Given the limited time for debate on this issue, the member has put two significant topics on the plate. It is much like the gun control bill. All Canadians are in favour of gun control but when it is lumped with firearms registration, it is an omnibus bill and two separate issues. We have gun control, the FAC. That has been in place along with firearms certificates. To introduce firearms registration was a whole separate issue. It got into a whole big field.

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That was a sizeable debate that took over a year. The justice minister got the legislation passed because of the issue.

Gun control and the criminal misuse of firearms was never an issue. Everybody, including the Reform Party, supported that part. It is an omnibus bill that has two elements. Each element is important. Each element deserves separate debate and separate consideration.

There is not time enough to cover everything when the two are lumped together. It is complicated to debate anything fully in an hour. I am glad the member had 20 minutes to explain the purpose and the objectives of his bill.

As the member from the official opposition said, he commends the purpose and objectives of the bill but he cannot support it because of a number of reasons. I have some concerns with it. I understand the intent of the member. I agree with his intent. I agree with his passion. I agree that there is a need to look at how Revenue Canada operates.

The officials in that department have been given too much power. Some of them have used the power, although not many. Very few do but all it takes is a few to wreck it. One rotten apple spoils the bunch.

It is important to look at this. I am definitely interested in taxpayers' protection acts, taxpayers' rights, taxpayers' issues. The member knows that. I would undertake, in whatever time is left in this Parliament, to work with the member to come up with a joint bill or motion.

In that way we could show this is a non-partisan issue. It is of benefit to all Canadians, all taxpayers. It would not be Liberal versus Reform but something that we could lobby at the committee that evaluates private members' bills. We should get it to be a votable motion and give it three hours.

Whether it is a motion or a bill, we should have something in place that is for the benefit of Canadians along the lines of what the member wants. In some areas, I agree with him wholeheartedly. All that is needed is to work out the details.

The Acting Speaker (Mr. Kilger): Before resuming debate, I want to explain to hon. members my dilemma. There is only one hour to present this debate and there are indications of more members than I could hope to accommodate wanting to speak.

• (1810)

I am going to rely on my instincts and consider another issue of debate and that is people speaking for and speaking against. It is just my instinct. I do not know what you are going to say before you speak. I am going to turn to the Parliamentary Secretary to the Minister of National Revenue and then I am going to come back to the seconder of the motion to close the debate. If there is still time left, I will recognize other members.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, I rise to speak on Bill C-215 introduced by the hon. member for Durham.

This bill has many purposes, including the establishment of a taxation ombudsperson to protect taxpayers' rights, the repeal of the general anti-avoidance rules in the Income Tax Act, restrictions on the time allowed for Revenue Canada to complete its audits and limitations on the types of new taxation measures that could be introduced by the Minister of Finance.

I submit that Revenue Canada has a wide array of programs in place right now to protect the rights of Canadians. My remarks will address the issue of the taxation ombudsperson since this is of the greatest concern to me.

In order to assess the need for the new bureaucracy which this bill proposes I would like to review the mechanisms that we have currently in place. Revenue Canada has at least five major safety nets to ensure that its clients' rights are respected, to deal with complaints and to provide appropriate ways of resolution of problems.

These include the general inquiries program; the problem resolution program; the service enhancement program; fairness legislation; and the objection process. In addition to these programs taxpayers can appeal their tax assessments to the tax courts for a final decision on any issue.

The Department of National Revenue's commitments to its clients is articulated already in the declaration of taxpayers' rights which was published in 1985. The declaration gives taxpayers: the right to a fair hearing; courteous treatment; fair handling of any complaints; complete and accurate information about their rights and obligations under the Income Tax Act; an impartial application of the law; a presumption that the taxpayer is honest; service also in both official languages; and a very important thing, privacy and confidentiality.

The declaration of taxpayers' rights confirms that everyone is entitled to arrange their personal affairs or their corporate affairs to pay the least amount of tax that the law allows. Clients who dispute assessments are entitled to withhold payment of the amount in dispute until a court decides the issue in essence.

The problem resolution program started around 1986 and it handles problems which require special attention. The program budget is about \$3.5 million annually. It employs 94 full time persons across Canada and it deals with cases which cannot be resolved through normal channels.

Program co-ordinators analyse, trace problems to their source and determine whether each case is isolated or if it is part of a larger trend that needs attention. Co-ordinators under the program are hand picked for personal suitability to be sensitive to clients'

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concerns and they can cross functional and hierarchical lines within Revenue Canada to solve problems. They stay with the case until it is solved.

How does the problem resolution operate? Clients are encouraged to contact local client services staff if they have a tax related problem. Last year, this is an amazing figure to me, general inquiries answered over 24 million inquiries from business and individual clients. Two hundred and ninety-nine out of every 300 inquiries were answered to the satisfaction of the caller. For the one out of 300 callers who still needed help they were put in touch with a problem resolution co-ordinator and the co-ordinator acted as the caller's advocate within the department to ensure full, fair, quick, friendly resolution of a problem, mostly without the services of a lawyer.

Problems which have national implications are referred to Ottawa where the service enhancement committee develops and implements action plans to prevent the same or similar problems from happening again. We do not want irritants in the system.

How is this problem resolution promoted? It is found in the blue pages of the phone book. It is found on the reverse side of the notices of assessments. The problem resolution co-ordinators work with individual members of Parliament to resolve constituents' tax problems. Within the department the front line employees are encouraged to identify and solve clients' problems on the spot if possible and to refer problems that they cannot solve to the problem resolution program staff. There is regular analysis of client problems to provide information about problems in the system and the service irritants we know will affect client satisfaction. We think this is important. We are a service bureau as well as a revenue collection agency.

• (1815)

Revenue Canada has another fast track program, the service enhancement program. It is used where staff finds its ability to provide the best service possible is hindered by an internal process within Revenue Canada. This program places responsibility, authority and accountability for service at all levels of the organization and it provides the mechanism by which field personnel, senior management and the deputy minister level are kept informed about situations which could result in a loss of public confidence in the department.

How does it work? The mandate of the service enhancement program has been kept deliberately broad. It focuses on preventing conditions and problems and on improving the process within Revenue Canada, the largest government department.

The program provides frontline staff with a way to cut through red tape, to the person who can come up with a proposed action

plan outside the normal administrative procedures. The program is designed to prevent issues from being side tracked or left unresolved. Each issue has an action plan to remedy the situation. Weekly reports are distributed to senior department officials as well as the deputy minister.

I will now discuss fairness legislation. In 1991 legislative amendments known as the fairness legislation were enacted to assist clients of Revenue Canada with problems which arise through no fault of their own, which does happen in our system. It allows for a common sense approach in dealing with those who, because of circumstances totally beyond their own control, are unable to meet the department's guidelines or comply with its rules.

The fairness legislation consists of the many provisions which make the tax system simpler, easier and fairer. Further legislative amendments were made in 1992 and 1993 with respect to customs and GST components of Revenue Canada besides the personal and corporate tax provisions. Further harmonization of fairness legislation is in process now for all business lines and business numbers.

Prior to fairness legislation, Revenue Canada was unable to grant refunds to individuals beyond the three-year normal reassessment period. Now Revenue Canada can make such refunds after verifying the claim.

Prior to the enactment of the fairness legislation, the department had little or no discretion to cancel or waive penalties and interest no matter what the client's circumstances or how the charges arose. The fairness legislation now enables the department to respond more flexibly to a client's circumstances where there is a reasonable cause to cancel or waive penalty and interest.

Generally, the department will consider waiving or cancelling penalty and interest when circumstances beyond a client's control prevent timely payment or other compliance. In addition the department may consider waiving or cancelling interest and penalty in circumstances where there is an inability to pay. The intent of providing such relief in such circumstances is to allow a means of easing the burden on clients who want to comply but who simply cannot do so, through no fault of their own.

We also have the objection process for clients who are not satisfied after discussions with officials in their tax services office. They would file a notice of objection with officials in a different branch of Revenue Canada which deals exclusively with objections and appeals. When this is done, an appeals officer would conduct an impartial review of the case in a friendly and hopefully very courteous manner, then contact the client to discuss the issue.

Except for large corporations, collection of the income taxes in dispute can be deferred until 90 days after the department mails its decision. The appeals process is involved when clients are still not

satisfied with the outcome of their problem. They can also file an appeal to the Tax Court of Canada. This tax court hears appeals under two distinct procedures, an informal and a more formalized one.

Under a new Revenue Canada commission which was announced by the Minister of Finance in this year's budget, taxation officials will have even more administrative and financial flexibility to deal with problems.

It is my view that the creation of another layer of bureaucracy such as an office of the tax ombudsperson with the costs, the complexity and the personnel would be a step backwards, not forward. It would diminish the incentive for the department to resolve problems in a timely, cost effective manner as is the case today.

• (1820)

Accordingly, I cannot support the hon. member's bill but I do understand the honest belief, the hopefulness and the direction he was attempting to put forward in this bill. I thank him for that energy and commitment.

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, it is a pleasure to stand and support Bill C-215, an act to appoint a taxation ombudsman and to amend the Income Tax Act to establish certain rights of taxpayers. It is very appropriate to speak on this bill tonight as millions of taxpayers are working diligently to get their taxes in by midnight.

Our hon. colleague from Durham has spent a great deal of time and research on this matter in the interest of ordinary citizens, ordinary taxpayers across this country.

In the past two days we have debated victims rights, gay and lesbian rights, but tonight I want to speak for all people on the issue of taxpayer rights.

I get dozens of letters a week from my constituents who feel they have no rights when it comes to Revenue Canada. These constituents tell me they are helpless to protect their income and assets from Revenue Canada. They tell me they often feel intimidated by the bureaucracy and the collection tactics of Revenue Canada.

Between individual personal tax filers, corporations, importers and exporters, small and medium size business, Revenue Canada serves close to 140 million customers. In 1996-97 Revenue Canada will process 23.1 million income tax returns, 36.6 million child tax benefit payments and 32.4 million GST credit payments. Revenue Canada audited over 70,000 individuals and corporations during 1994-95. With such a tremendous mandate this department needs to be much more accountable to the Canadian taxpayers. Bill C-215 will ensure that accountability.

This bill will enact the taxpayers bill of rights. We presently have a declaration of taxpayers rights but it is one page and eight

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paragraphs of absolute vagueness. The taxpayers bill of rights in Bill C-215 is in part based on the American example of taxpayers rights from the United States senate in 1988.

The taxpayers bill of rights put forward by the member for Durham will allow Revenue Canada to enter into instalment agreements and restrict the department's right to cancel such agreements.

The bill will provide taxpayers the right of consistency. Major changes to a taxation system may only occur once in every 10 years. Any single change to the taxation system would not affect more than 1 per cent of taxpayers. Cumulative changes for a whole year would not affect more than 3 per cent of total taxpayers. Taxpayers will also have the right to be protected from retroactive legislation.

The taxpayers bill of rights will establish an ombudsman who will act as an intermediary between taxpayers and Revenue Canada in settling accounts and enforcement of the bill. As we heard earlier, perhaps this is a step that cannot be integrated into the bill of rights because of an additional layer of bureaucracy or extra costs.

However, I am the ombudsman for taxpayers in Cumberland—Colchester. I see so many people in my office regarding Revenue Canada issues. I intervene on their behalf, I write letters, I make telephone calls and I go to appeal courts. I am the ombudsman. Is that the role of a member of Parliament? Perhaps it is, but somehow I think there is a better way when we have a department that is as large as Revenue Canada. There should be more accountability in the tax system.

Where it is clear that enforcement of standing orders would result in bankruptcy, the ombudsman would be able to negotiate a settlement based on an assessment of the remaining assets to be paid on an instalment basis. The ombudsman again would be required to prepare an annual report and submit it to both the Senate and the House of Commons.

Many countries have such an ombudsman. The United Kingdom has had one since 1974. The system has been a great success in the U.K. Between 1974 and March 1987 the English commission received more than 30,000 properly referred complaints and the Welsh commission received over 2,500.

• (1825)

I believe this bill is good for the taxpayers of Canada or I would not be standing here speaking on it tonight. Taxpayers have the right to be treated with respect and to know their rights.

It is my hope that all hon. members will give this bill serious consideration and that their full support will come forward not tonight but at another time when we have the opportunity, as the hon. member for Calgary Centre has proposed, for parties through-

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out the House to bring together collectively a private member's bill that can be votable and enacted as legislation.

It is imperative for the citizens of Canada. With the tax rate which we have in this country, the bureaucracy administering that tax rate should be held more accountable. We in this House must take swift action to ensure that we give Canadians a bill of rights which provides a sense of respect, fairness, appeal and the many mechanisms which the United States Senate has brought forward in its bill. I believe it could be somewhat reflected and copied in part.

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I will limit my remarks given the time available. I am very pleased to speak today on the hon. member's bill and his proposal to improve taxpayers rights. As much as I would like to support the bill, I find I am unable to because I do not believe it makes good public policy.

Who can argue with the broad principles that are articulated in the bill as they relate to taxpayers rights in their dealings with Revenue Canada? Like the hon. member who brought the bill forward, I too am a chartered accountant. I believe I understand some of the challenges and issues associated with tax law and tax administration. I suppose my experience working as a chartered accountant in Bermuda which is a known tax haven has perhaps influenced my view of the bill.

All taxpayers clearly have the right to be treated fairly and courteously when they interact with Revenue Canada, whether they are requesting information, arranging an audit, an interview or whatever. However, how many Canadians would support the creation of a new federal bureaucracy at a time of fiscal restraint, in particular when remedies are already available, as the hon. member for London West has described, through Canada's declaration of taxpayer rights and other mechanisms?

[Translation]

The department was one of the first organizations to inform taxpayers of their rights by preparing a declaration of taxpayer rights, which was published in 1985.

[English]

I will not go into the features of the declaration of taxpayer rights. However, it includes things such as the right to be presumed honest until proven otherwise, the right to appeal a decision, the right to privacy and confidentiality, and the right to an impartial review. There are softer provisions as well in the declaration of taxpayer rights, such as the right to courteous and considerate treatment, the right to be serviced in the official language of choice, the right to impartial application of the law and the right to complete and accurate information about the Income Tax Act.

[Translation]

These rights helped establish a balance between legality and practice. This is an important part of customer services as practiced by a number of private and public institutions.

[English]

Canada should be proud of the declaration of taxpayer rights. I am advised that since introducing the declaration in 1985 a number of other tax administrations have contacted Revenue Canada as they have developed their own declarations.

The creation of a taxation ombudsman would transfer the responsibility of taxpayer rights from the administration and its employees to an outside agent. What message would this send to all law-abiding taxpaying citizens? To those who are paying their fair share of taxes, would it be seen as further protection for those who evade tax and by doing so, place an unfair burden on those in our society who are paying their way?

While I recognize and respect the concerns of the hon. member for Durham, I believe that with Revenue Canada's declaration of taxpayer rights and the other quality service initiatives of the department we have achieved the appropriate balance between the rights of taxpayers and the rights of taxation administrators in Canada. For these reasons I will vote against Bill C-215.

The Acting Speaker (Mr. Kilger): Earlier before we began the debate on this private member's bill, the mover of the motion, the hon. member for Durham, asked under right of reply if he could have two minutes. I want the House to understand that no one will speak after him. This will close the debate and he will not take any longer than two minutes under right of reply.

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, we have heard a wide range of thought processes here. I thank those people who entered into the debate. It is very useful. We should be doing more of that in this country.

This is something that affects almost everyone in the nation. We have over 13 million taxpayers. In some ways it is something that unites us, although it seems like a strange thing to say. A lot of people tonight are struggling with the concept of filing their tax returns. It is something that unites us in the sense that tax filing is consistent across the country.

We talked about all the reasons why we cannot have a taxpayers ombudsman. There are all kinds of reasons. I can show the House this very interesting book. It basically studies taxation and tax administration back through the time of Egypt and up to modern times. Every administration said the same thing, we cannot do this, we cannot tame the hand of Caesar.

The bottom line is that we can do that. It is very important that we do it if we want to command respect for Revenue Canada and for our tax collection agencies. This is a process that people feel comfortable with.

Today that process does not exist. With the great pronouncements of all the things we could have done to make the system better, why have we not done them? As I suggested, there is a tax case where the Supreme Court of Canada had to actually tell two parties to sit down and talk to each other. There is something wrong with the system.

Most people in Revenue Canada carry out their job with diligence and with respect. I have met many of these people throughout my career. I found them generally hard working, concerned about their job and concerned about presenting the department's attitudes fairly and honestly in the community. There are those odd people in the system. We are all human beings and we

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make mistakes. When one makes a mistake at that level people draw back and say it did not happen.

For those people who are filing their tax returns tonight, we need a process where they feel more comfortable with the system.

The Acting Speaker (Mr. Kilger): I want to join in thanking all the members who participated. I would add to that also the member for Hastings—Frontenac—Lennox and Addington, who rose on several occasions trying to catch my eye and he did, but I thank him for his patience.

The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the Order Paper.

It being 6.33 p.m., the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24.

(The House adjourned at 6.33 p.m.)

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