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**Official Report  
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**Monday 15 October 2001**

**Lundi 15 octobre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
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LEGISLATIVE ASSEMBLY  
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ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

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*The House met at 1845.*

**ORDERS OF THE DAY**

VITAL STATISTICS  
STATUTE LAW AMENDMENT ACT  
(SECURITY OF DOCUMENTS), 2001  
LOI DE 2001 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LES STATISTIQUES DE L'ÉTAT CIVIL  
(SÉCURITÉ DES DOCUMENTS)

Mr Sterling moved second reading of the following bill:

Bill 109, An Act to enhance the security of vital statistics documents and to provide for certain administrative changes to the vital statistics registration system / Projet de loi 109, Loi visant à accroître la sécurité des documents de l'état civil et prévoyant certaines modifications administratives au système d'enregistrement des statistiques de l'état civil.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the minister from Lanark-Carleton for leadoff.

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** I will be sharing my time with the member for Brampton Centre, Joe Spina, and the member for Simcoe North, Garfield Dunlop.

Bill 109 amends our Vital Statistics Act. I'm going to talk tonight not only about Bill 109 but about some of the other things my ministry will be doing with regard to revamping the vital statistics process as well as altering the legislation we're talking about tonight. I don't think we could talk about one without the other.

When we're talking about the Vital Statistics Act, we're talking about the registration of births and obtaining birth certificates, we're talking about the registration of marriages and marriage certificates and we're talking about death and death certificates.

Essentially the process which we have in Ontario has been in existence a long time. In fact, the process we have here in Ontario is very similar to other processes that we have in the other nine provinces and three territories, and it's quite similar to the processes which many of the states in the United States have as well. We thought it was about time we looked at the process.

Back in the fall of 2000, prior to the time when I became the Minister of Consumer and Business Services,

which this bill falls under, we thought we would ask the Ontario Provincial Police to come in and do an audit on our system to find out whether or not fraud could enter into the system and how easy it was for people to obtain a birth certificate under false pretenses. The OPP came forward with 91 different recommendations, and to date we have implemented 59 of those recommendations. We have been working on a number of the other ones which didn't require legislative change, and about 20 of those recommendations related to legislative change, which we're debating and talking about tonight.

This amendment of this particular act I hope will not become a hot political debate. It doesn't need to become a hot political debate. I want to say to the opposition that I am open for reasonable amendment. If they want to come forward with constructive ideas about how we can make this a better law, I have an open ear with respect to their suggestions.

**1850**

The whole notion of this bill is that it shouldn't be that controversial, save and except where there are some considerations where we may differ in opinion. All the members on the government side may not be on one side and the opposition on the other. The balance we are trying to strike between making requirements, supplying information and allowing people within the system to share that information is very important in terms of the privacy context, because that of course is the other balance: how much privacy we have as individuals versus how much information we give to an official of the government and how far we let that official of the government share that information.

Some of the new measures we're introducing that are contained within this act: we will limit the number of certificates a person can obtain and the certified copies of registration that can be issued to a person in Ontario.

At the present time, oddly enough, we do not limit the number of birth certificates or copies of birth certificates that an individual can receive from the registrar general. As you know, we are very much a multicultural society in Ontario and are proud of that fact. Some cultures would order as many as, I'm told, 15, 25 or 50 birth certificates and distribute those to their relatives and friends as a celebration of a child on his first or second birthday etc.

We have overcome that particular issue by allowing, in addition to the one valid birth certificate you might have, people to apply for what they call a commemorative birth certificate. I applied for one of those for my

granddaughter Tierney Sterling, for her to have on the wall a picture of her birth certificate. It's kind of special for me, and I hope for her in the long run, because it has as the registrar Norman Sterling, her grandpa. We have allowed traditions of cultures to continue on and they can obtain these commemorative birth certificates, but we are saying that each individual is entitled to only one birth certificate.

Birth certificates have become very important in our province because out of those birth certificates emanates the right to other kinds of enhancements and entitlements. For instance, if you're going to get your provincial health card, one of the documents you are asked for is your birth certificate. It is in the interests of our government and in the interests of the federal government that there be in fact only one birth certificate out there which represents the registration of the birth of this particular individual. We believe that by having only one legal birth certificate in the hands of, hopefully, the individual or the parent of the individual to whom this relates, we will do away with a lot of the potential for fraud.

I might add, notwithstanding September 11, which in some way speeded up this reform, I might characterize this reform as having been 80% in the jar. The last 20% came quicker as a result of September 11 occurring and all of us trying to contribute, including the provincial government, to try and tighten down the system to allow authorities to have a better picture of who people are when asked for identity, when they're either receiving a health card or whatever.

The act includes a provision that the registrar general does have the authority to issue more than one birth certificate in the odd circumstance. The circumstance that was described to me by my staff was where you would have a child whose parents had unfortunately separated and there was shared custody. Therefore, there was a requirement, where they were in two different jurisdictions, for instance, that there be two birth certificates for a young child or a minor. We allow the registrar the discretion in those kinds of situations, and that will be dealt with in a very limited situation.

One of the major parts of this legislation will be that when a new certificate is applied for, we will be able to cancel all of the old certificates or any previous certificates. At the present time we haven't been doing that, because the entitlement has been for more than one birth certificate. So we will have to revamp our technical systems, our information systems, to allow us to do that. We will be keeping track of the fact that Norman Sterling has one birth certificate, the number is XYZ, and if I apply for another one, then the original birth certificate will be taken off the record.

This legislation provides an obligation for people to report a lost, stolen or destroyed birth certificate to the registrar general. If they come into possession of that lost or stolen birth certificate, then they should return it to the registrar general. They will be able to do that either

directly to the registrar general or by returning it to the police.

Basically this particular provision was put into the legislation in order to provide, for instance, a lost and found service in the Eaton Centre. It will say to the lost and found service in the Eaton Centre, "If you find a birth certificate, within a period of time"—I believe the legislation says 48 hours—"you will return it to the registrar general." So it puts an obligation on the person who would be running that centre to return that lost birth certificate to the registrar general. This is important for us to be able to keep in control of the overall situation.

I want to say to anybody who should happen to be listening this evening—and I know it's before Monday night football. It's not 9 o'clock yet, it's still 7 o'clock, so they might be tuned in. I see my assistant, Ryan Bailey, winking at me because he's going to tune in.

**Mr Garfield Dunlop (Simcoe North):** There's a World Series game on too, Norm.

**1900**

**Hon Mr Sterling:** There's a World Series game on too, but I know that many people, particularly in Lanark-Carleton, are still tuned in.

The idea of the birth certificate is not to use it as a form of identification and carry it in your wallet. We would like people to treat their birth certificate as a very important document which they would take out at very key times, use it when they had to use it, but then return it to a safe place. That way the incidence of losing these documents would be far less, and it would be much easier and better for the system that in fact they would be treated this way.

A funny thing happened back in 1982. At that time—and I have had many requests from various people, including my cabinet colleagues, quite frankly, when this topic came up and we were talking about it. They asked me to reintroduce the laminated birth certificate. I know as a convenience that is very good, but we went from a laminated birth certificate in 1982 to a paper birth certificate for a very cogent reason, and that was presented particularly by the police. The fact of the matter was that we put the paper birth certificate in place because it was far less easy to forge than the laminated birth certificate we had before. The second reason they put forward was that there was less likelihood that a person would carry around in their wallet the paper birth certificate rather than the laminated one. That's the reasoning that goes behind that particular move way back in 1982.

This legislation does not change the form of the birth certificate. The birth certificate as it was shall be in the future, unless there is some decision by the registrar general that it should be something else than it is.

One of the real drawbacks of the existing legislation as we now have it is that there is very little reason for the police to prosecute someone who is trying to obtain under false pretences a birth certificate of someone else. I think the fine under the present legislation is something like \$1,000 if you're found guilty of this offence. This act dramatically increases that fine to \$50,000 for an

individual and I think something like \$200,000 for a corporation. As well, the individual would be subject to imprisonment for up a period of up to two years. I think this shows where we have come from and where we are going in terms of the seriousness of someone trying to obtain a false birth certificate under our present system. I think it will encourage the police, when an offence occurs, to take action.

Outside of this legislation, as I announced when I introduced this legislation last Thursday, we are asking—in addition to an application form which is signed by the applicant and the applicant has to present certain information—in a similar vein to what is required when an individual applies for a passport, that a guarantor also sign a statement that they have known this individual who is applying for a birth certificate for a period of at least two years and that they know the statements that are signed on the application are true to the best of their knowledge. We have paralleled the people who can sign these guarantees with those who are allowed to guarantee at the passport office.

Mr Speaker, I have been in your constituency office down in Stratford and I have to tell you that I know you have a lot of people who visit you in your constituency office, because you have one of the nicest constituency offices I have ever seen.

*Interjection.*

**Hon Mr Sterling:** Well, nearly one of the nicest constituency offices that I have seen in this province. But, Mr Speaker, you must do a lot of constituency work there, because it is a nice office and when I went through there were a lot of people in the office seeking your advice and help. We're going to have a lot of questions in our constituency offices as to how to help people out with regard to getting birth certificates and getting access to birth certificates, as we have in the past. I think we can help out during this period of change in a very significant way. But we also have to understand that this is a serious document, this is an important document, and we can't deal with it in a willy-nilly fashion.

Some examples of a guarantor: you can have a dentist; a medical doctor; a nurse; a chiropractor; a judge; a justice of the peace; a police officer, either a municipal police officer or a provincial police officer; a lawyer; a mayor; a professional engineer; an MPP, as long as they have had some knowledge of the fact that this is the individual they're swearing they know. Part of the balances and checks of the system is that someone in the registrar general's office phones some of these guarantors and applicants on a regular basis, and that will be done.

I have talked about some of the increased fines, the whole notion that this government is treating the sanctity of the issuance of the birth certificates in a much more serious manner.

One of the other matters that I want to raise which is not contained in this legislation is that there is a section in the legislation which allows for us to go through this next step, and that is the registrations of original births. At the present time we have what I would describe as a

rather awkward registration of newborn babies in our province. What a mom or dad or the family has to do is get proof at the hospital and then they go to what we call a deputy registrar, and we have a deputy registrar in each municipality. They go to that office, and in some cases they pay a fee. It varies right across this province. In some cases you don't have to pay a fee to the municipality in order to register your newborn at the registrar general's office.

We are concerned with the fact that there's a financial disincentive to register the birth of some children. As a matter of fact, in some cases we don't have the newborns registered with the registrar general because there is a financial disincentive. If they've got to pay a fee, they're not going to register. We intend on changing that in the not-too-distant future. What will happen is that it will be the mom and the dad and the doctor in the hospital who will register the child with the registrar general, and we will be cutting out that middleman or the deputy registrar at the municipal level. We believe this will lead to a more complete registration system in the province and will act to the betterment of our whole system in that we will have more accurate registration records.

On the numbers, we have in our province about 150,000 original registrations. As I said on Thursday, October 11, when I introduced this bill, it happened to be really a momentous occasion for me, not because I was introducing this bill—you know I've been in this Legislature for some period of time. In fact, I think you said, Mr Speaker, that I've been here too long. But forever is not too long, I guess.

**1910**

October 11 was a special day for me because I happened to have a new registrant coming under my system as Minister of Consumer and Business Services, my beautiful new granddaughter, Madeleine Robert. I hope Hansard will spell that correctly tonight, because I think I gave them the wrong spelling before, and therefore Grandpa will be somewhat disciplined.

I believe this is a matter which is in the interests of all members of this Legislature. I must say that the opposition haven't had the opportunity to caucus this, because it was introduced last Thursday. It's a little unusual for us to bring forward a piece of legislation for debate before the opposition caucuses have the opportunity to consider the legislation. But I have talked to some of the members opposite and I believe they're quite willing to work cooperatively on this. I think they see it as an opportunity to work together. As I've said before, I'm quite willing to listen to reasoned amendments and hope that we can work together to get the best possible registration system in North America.

As I've said before in this Legislature, there has been really no evidence that the system has been badly abused, that we know of. But in the new troubled times that we face at the present time, I think we have to be ever vigilant and we have to want to improve and bring the technology in to the Vital Statistics Act and the vital statistics area so that we can have better information

going in, so that we can predict or talk about what we want to do in the future for the people of Ontario. Therefore, I urge all members to look at this in a positive vein, as I have, and I hope that in the end they will support this piece of legislation.

**The Acting Speaker:** Further debate?

**Mr Joseph Spina (Brampton Centre):** I'm very pleased to be following my minister in his introduction of the debate on this particular bill. On September 11, Ontario and the world witnessed an event which no one could have imagined and, even less, foreseen. We all looked on, shocked by the magnitude of the violence and in disbelief of the depth of hatred and fanaticism that these actions implied as the terrorists' attack killed thousands of defenceless victims, men and women from more than 50 countries. This premeditated murder, which was carried out on a sickeningly massive scale, was not only an attack against our close friend and partner, the United States, but also against the values of all free, civilized people around the world.

There are dates that define a generation, indeed define an era. In good or in evil, these dates carry memories of extraordinary endeavours or of despicable acts. We all remember some of the dates that mark a lifetime: December 7, 1941; November 11, 1918 and 1945. I'll give you two more such examples of dates, one good, the other evil. In July 1969, mankind's creativity, mankind's thirst for knowledge, for scientific capabilities, excitement about discovery and technology, allowed a few men to walk on the moon. It marked the beginning of an era of boundless imaginings for the use of technology. On September 11, 2001, the unexplainable power of fanaticism and hatred allowed terrorists with demented imaginations to commandeer modern civilian technology and use it to kill, to maim and to destroy thousands of lives, lives of men and women who could have been, and in some cases were, our neighbours, our friends and our family.

This event has indeed changed the world. It has destroyed a part of innocence that we took for granted. It has also changed the way we look at the theft of people's identities. Until September 11, identity theft was seen as an economic crime, a consumer crime. Since then, it has been seen as an open door to commit unspeakable crimes of the vilest nature.

We all wish that the tragic events of September 11 had not happened, but it is not possible to go back in time. We learned a lesson that day. We learned a lesson that sometimes we have to see that in societies such as ours protection and control of vital documents should and must be stronger. While we have no specific evidence that Ontario vital documents have been misused to assist in any acts of terror, our government has decided to move quickly to increase that security. Not acting quickly would be dangerous and it leaves the door open to identity theft.

It has been said by some that the measures governments in democratic societies around the world need to take to respond to this terrorist act will put them in a quandary, that it will be a clash between individual rights

and freedom and individual security and safety. It does not need to be so. Since we were elected in 1995, this government's work has strived to be fair and balanced. The legislation that our government has introduced to protect Ontarians' rights and freedoms also protects Ontarians' privacy, and that is paramount. The legislation the government has introduced balances all these elements.

Three principles guide this legislation. First, it would protect the security of vital documents to aid in the protection of the people of Ontario, and those beyond the provincial borders, from physical harm, from terrorism and from fraud. Second, it would improve customer service through the introduction of new methods of processing identification documentation at the Office of the Registrar General. Third, it would increase government efficiency.

The legislation would provide the necessary security measures for the issuance of vital documents, and it would also protect the privacy of personal information and support better security of persons.

What principles guide this bill, we might ask? The principles are that Ontarians must, first and foremost, be protected; it is their right. But privacy must be balanced against a competing interest: public safety. In the past, there have always been situations where personal privacy has given way to legitimate law enforcement and public safety concerns. The unprecedented terrorist attacks that we have witnessed recently changed our understanding of what constitutes realistic threats to public safety.

The Ministry of Consumer and Business Services started a security overhaul and implemented the recommendations of an OPP security audit long before the terrible events of September 11. Last year MCBS asked the OPP to conduct a security review of the Office of the Registrar General and had already acted on many of those recommendations. In fact, of the 94 recommendations suggested by the Ontario Provincial Police audit, 59 changes have already been implemented. The remaining 35 changes will now be implemented with this new legislation and some new, even better, more modern technological tools to make it effective.

#### 1920

We have heard the honourable Minister of Consumer and Business Services tell us of one of the main sections of this legislation: the legislation would limit to one, I repeat, it would limit to one the number of birth certificates and certified copies issued to Ontarians. The unbelievable question is why more than one was issued in the past; for what reason or reasons, we have no idea. But this is a fundamental piece of identification that is the key, the springboard, the doorway to getting all other kinds of documentation that assist us in moving through our everyday life.

This legislation would also significantly increase fines for individuals and corporations that misuse vital documents. All will agree that it is difficult to put a price on safety and security. Given the value of vital documents, we want the maximum fine to reflect the level of care

that consumers must take with these documents, but we recognize that not all situations will result in charges being laid or in maximum fines. Under this legislation, every person who wilfully makes a false statement on an application for a birth certificate will be liable to a fine of up to \$50,000 and/or imprisonment for up to two years less a day. I will repeat that for the benefit of the public. Under this legislation, every person who wilfully makes a false statement on an application for a birth certificate or a replacement would be liable to a fine of up to \$50,000 and/or to imprisonment for up to two years less a day. This is fraud. Why should the penalty not reflect that?

Also, every person who wilfully registers a birth or other vital event that did not occur in Ontario can be fined up to \$50,000 or receive a jail term of up to two years less a day or both. The previous fines ranged from what is by today's standards a piddly \$100 to a maximum of—wow—\$2,000. Given the value of these vital documents, like birth certificates, the increased fine must and does reflect their importance. We have to keep in mind that \$50,000 is the maximum fine, and not all situations would necessarily result in charges being laid or in maximum fines. Of course, it's up to the judge to determine the severity of the crime. There would no doubt be different types of situations, but we want to state the value of vital documents, and therefore fines must reflect the level of care that consumers must take with these documents.

As I said, a birth certificate can be, and is, the key to the lock of getting all other documentation: passports, drivers' licences, outdoor cards, proof-of-age cards that young people might be able to get under the LCBO and any other documentation that would be needed, or verification of birth, age or origin which determines who you are.

The events of September 11 are forcing us to take a long look at what we thought was the ideal balance between public safety and privacy protection. In view of those terrible events of September 11, we can now say that there is a legitimate need for increased monitoring and control of the issuance and veracity of vital documents to address new threats to public safety. Not to take these appropriate measures would be to remain blind to the realities of September 11.

We know we have entered into a new era, where the inconceivable is now a potential reality if we do not implement security measures. Many of our parents and grandparents and some few in this House will remember the security precautions that were needed and necessary as we entered the First World War and, in fact what is more recent, the Second World War. It was important to maintain security for the safety of our people. We went through an era, through the Second World War, particularly, which would be fresher in the minds of some people today who are still alive and remember those terrible years so vividly—how important security was for the protection of our people. I think because of the measures that were taken during the war, we were very

fortunate that very few or no specific activities of war took place on our continent or indeed in our country.

But it's a different world. It's a different world, because it's a world where people use false identities to develop methodologies and to develop access to use commonly used, everyday, once-thought-safe technology as a weapon against innocent people to fuel the desire of fanaticism and hate.

I just arrived at 5:45 this evening on a plane from Thunder Bay, and I can tell you there was an interesting feeling in the bottom of my stomach as that plane circled Toronto and made its appropriate entrance to Pearson airport. I thought about September 11, I thought about the people in our province and I thought about what we as a government, collectively—from not just the government side but from the opposition side—are doing together to try to make it a better and a safer place for us and for our children and for people who are just innocently going about their business, going to work, trying to raise a family and make a living and have a comfortable life, and how that could be endangered.

So I say it is imperative that when suspicious situations arise, the registrar general be given the authority to verify that a vital document is not being misused. To this end, the registrar general needs to share information with law enforcement agencies in order to detect and monitor potential threats to public safety.

Birth certificates are foundation documents relied on by other governments and law enforcement agencies to establish proof of age, to establish citizenship and identity and are one of the documents required to cross the famous undefended border, the Canada-US border. It's a document that's used to obtain a social insurance number and a passport.

I'm sure every member of this House agrees that the fundamental rights to security and freedom start with the assurance that people are who they say they are. The government needs to give top priority to improvements that will significantly strengthen the security of birth certificates and provide better tools for preventing and detecting fraud.

The government not only wants to protect the security of all Ontarians, we must protect the security of all Ontarians. We must crack down on identity theft. We must adopt these new security measures to protect Ontarians and their families and to see that Ontario remains one of the safest jurisdictions in the world. Citizens of the province deserve no less from their government.

### 1930

The technology, the systems, the processes that we are looking to introduce with this legislation will make us the front-runner, the absolute leader in western society, I believe, in fact, in the security of a fundamental document. These new security measures we propose for the issuance of these certificates are necessary to protect Ontario, to protect the people of this province and their families against theft and other criminal activity.

Most of these changes have been in the works for a while. A security audit undertaken last year prompted the implementation of many security measures. We are simply accelerating the remaining measures. These security provisions include the following: Ontarians will be obliged to report lost, stolen or destroyed birth certificates; lost, stolen or destroyed certificates would be deactivated and documented as a deactivated certificate; information on deactivated documents would be shared with other government identity programs such as the federal passport office; fines will significantly increase for wilfully providing false information when applying for vital documents; and Ontarians would only be issued one birth certificate at any one time. It's only common sense.

These measures will help Ontarians better understand the value of vital documents. Together, these measures will increase awareness of the value of a birth certificate as an important foundation document. They will reduce the number of documents in circulation. They will prevent individuals from obtaining multiple birth certificates which could be used to facilitate identity fraud. I have to tell you, when I found out that people could get multiple birth certificates, I was astounded. I was astounded that any government of any stripe would allow this to take place. But now we must, and have begun to, correct this. We began before September 11, as I said, as a result of the implementation of the elements of the OPP audit that took place last year.

We recognize that these changes mean customers may experience some delays and inconvenience in obtaining their birth certificates, but checks and controls are necessary to avoid birth certificates falling into the wrong hands. Every government is learning that new information technology creates new concerns about privacy, but it can be protected when it's treated as a broad public concern.

The balance between security and privacy has never been static, shifting in favour of security when faced with significant threats. Our role as legislators is to ensure that any rebalancing between law enforcement activities and privacy is done in a measured, considered fashion, after analysis and reflection.

We've reacted emotionally to the scene of destruction this past month, but we must respond rationally, but quickly, for the protection of vital documents with this bill.

Just as most people are willing to put up with longer lineups at airport check-ins and border crossings and accept more detailed searches of their luggage, I'm confident that Ontarians will agree that the registrar general must have the authority to verify that birth certificates are not being misused. We know Ontarians will accept these control measures for public safety reasons.

We must protect our civil liberties and keep in mind that the security measures necessary to address an extraordinary threat to our community will be done in a manner that does respect privacy and individual rights. To do otherwise would defeat the purpose of fighting to preserve the values we hold dear in our democracy.

This legislation will improve service so that Ontarians can register, and get proof of registration for, the most important events in their lives in a secure and reliable manner to avoid identity theft, to increase the validity of the data and to make it safer for us, for our children and for our brothers and sisters in our neighbourhoods and in our province.

**Mr Dunlop:** I appreciate the opportunity to say a few words here tonight. First, I want to congratulate Minister Sterling for bringing forth this legislation, Bill 109, the Vital Statistics Statute Law Amendment Act, 2001. I want to congratulate him on the legislation and I also want to congratulate him on the birth of his new granddaughter on October 11. I know it's a very special feeling and Minister Sterling, who has been the longest-serving member of our caucus, is certainly to be congratulated for his efforts.

As well, I'd like to congratulate and thank his parliamentary assistant, Mr Spina, who just arrived from Thunder Bay, for his words on this particular bill. Mr Spina did mention a few special days, and before I get right into a few comments on the legislation, I would like to say something on special days that we as Canadians and citizens of the world have recognized in our past. I know September 11 is one of the days that all of us will remember for as long as we live.

But I also think, in my life, of being a public school student and listening on the days that John F. Kennedy, Martin Luther King and Senator Robert Kennedy were assassinated. I know those are all special days, but there are also days like the day that Elvis Presley died and the day that John Lennon was assassinated that stick in our minds as well. But as far as I'm concerned, none will be remembered as being as bad as September 11.

On October 1, our Premier delivered to the people of this province a message of hope and action. His message stated that the events of September 11 were devastating tragedies, but that the people of Ontario responded generously, lending heartfelt support to those who suffered sorrow and pain.

It doesn't matter where you go across our province right now, or even across our country, everyone is talking about the events of September 11 and communities are fundraising. I was in a little convenience store the other day, I think it was a Chicken Villa. They had the fundraising cans out and people were donating pennies and change they had left over from their purchases.

Also, we've seen a great number of Ontarians visit ground zero in New York City, who have gone along and contributed in any way they can. In Orillia some people from our Salvation Army visited the operation down there; in fact, I believe they're right there now.

The Premier that day thanked everyone who had reached out with condolences, who had donated blood, who gave money or who found other ways to help the victims and families of these terrorist acts. The Premier stated that the government already had taken action to protect its province, its people and its economy.



I think you'll remember the day, September 24, here in the House when we reconvened from the summer, which was certainly one of my proudest days as a member of this Legislature, when we actually, in a non-partisan way, all talked about the tragedy of September 11. I believe that day Commissioner Boniface from the OPP and some of her representatives were here as well to add a sense of security to the whole issue.

The government acted on this promise last week, as the Minister of Consumer and Business Services introduced the Vital Statistics Statute Law Amendment Act, 2001. We all have pride and confidence in the people of Ontario, in their compassion for others, their courage and in their entrepreneurial spirit. Today, as we debate this legislation, we should keep in mind that these measures are brought before this House for the sake of protecting our people and for the sake of protecting our economy.

#### 1940

Ontario's economy is strong and its foundations are solid. Today, thanks to the decisions this government has made since it was elected in 1995, the province is in a better shape to weather a period of economic uncertainty than it has ever been before. Ontario is a safe place to live. When it comes to jobs, safety and the economy, the government knows there is always more it can do.

Ontario wants to protect its people. Ontario wants to continue to boost trade and develop economic growth. Of course, our greatest trading partners are our friends to the south, the United States of America, who have suffered this world tragedy. We do not want to see Ontarians wasting productive time to obtain vital documents. At the same time, we want them to feel secure in the knowledge that nobody, other than ourselves, will obtain and carry a birth certificate bearing their name, age and place of birth.

To add another layer of security to the issuance of vital statistic documents, the legislation contains one important change: the requirements for a guarantor. A guarantor is a person who has known the applicant personally for at least two years and is confident that the statements made by the applicant are true. The guarantor must be a Canadian citizen, who must be available in the event that further confirmation is required by the Office of the Registrar General. The list of potential guarantors parallels the list of guarantors used to obtain a passport. A guarantor adds another layer of security to the personal identification documentation process. The guarantor must be a member of a specific profession: a dentist, a medical doctor, a nurse, a chiropractor, a judge, a justice of the peace, a police officer—and that can be a municipal or provincial or an RCMP officer—a lawyer, a mayor, a minister of religion authorized under the Ontario provincial law to perform marriages, a notary public, an optometrist, a pharmacist, a principal of primary or secondary school, a professional accountant, a professional engineer, a senior administrator in a community college, a senior administrator or teacher in a university, a signing officer of a bank, *caisse d'économie*, *caisse populaire*, credit union or trust company, or a veterinarian.

This legislation implements security measures necessary to protect the integrity of vital documents. It also contains complementary amendments to regulation-making powers. We know that many people carry their birth certificates in their wallets, and all of the time. It is time to strongly advise against this practice. People should keep their vital documents in a safe place and only carry them when they are needed for travel, to make application for a passport or for some other very important activity. These amendments will give the registrar general regulation-making authority for all new prescribed items.

The registrar general shall cancel certificates and certified copies of registrations that have been reported lost, stolen, destroyed, found or received. He or she may cancel any other certificate or certified copy where he or she, in his or her discretion, is of the opinion that it is appropriate to do so. This legislation allows the registrar general to prescribe other persons who must comply with secrecy provisions under subsection 53(1) which states: "No division registrar, sub-registrar, funeral director or person employed in the service of His or Her Majesty or prescribed person shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this act, or allow any such person to inspect or have access to any records containing information obtained under this act."

Finally, this legislation recognizes the seriousness of the offences relative to the importance of birth certificates as foundation documents. Every person who neglects or fails to give any notice or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, stillbirth, adoption or change of name of any person under this act is guilty of an offence and of a conviction and is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation.

These changes are reasonable and prudent. Until today, Ontario has carried out the registration of births, stillbirths, deaths, marriages, adoptions and name changes in much the same way as it has for the past 150 years. These methods may have been right for the times in 1875, when the population of Ontario was about a tenth of what it is today, but they are not the most efficient or secure way of doing business in the year 2001. This legislation will modernize the way Ontario processes registrations for vital events; it will not change the events.

The new security measures we propose for the issuance of birth certificates are necessary to protect Ontarians and their families against identity theft and other criminal activities. We can afford no less than to enact the best protection possible to enhance the security of Ontarians.

The terrorist attacks that occurred on September 11, 2001, are events that no one among us could ever have anticipated or imagined. The unthinkable has happened and its memory will remain with us forever. The government has a duty to protect its citizens and their freedom.

It also has a duty to protect their rights and make sure the foundations of their economic well-being remain very solid. With this bill, the government of Ontario is responding to its responsibilities on all fronts.

In closing, I want to say again that I'm very pleased to take part in this debate this evening. I know that September 11 will hang over us forever. It has changed our way of life forever. This legislation is just one small way we can help to improve the security and efficiency in the way the government operates.

I'm pleased to support this legislation, and I hope all members of this House will take the opportunity to support this legislation as well.

**The Acting Speaker:** Comments and questions?

**Mr Mario Sergio (York West):** We are dealing with Bill 109, which deals with vital statistics. Obtaining a birth certificate is one of those many vital statistics we are looking at.

I'm pleased, in a way, that the government has recognized that there was a loophole. Unfortunately, it took what it took to bring the government to its senses and introduce legislation with respect to obtaining birth certificates.

Unfortunately, there are many other areas that I think the government should be looking at. I hope going after the wrong people is not going to be one of those.

There is a feeling out there. As a matter of fact, this morning I was having a coffee in one of my usual coffee shops in my own York West area.

**Interjection:** Espresso.

**Mr Sergio:** Yes, I was having an espresso and someone who knows me approached me and said, "I have lost my citizenship card and we are worried. We are afraid to approach to have a new one considering what is going on and that I come from one of the Middle Eastern countries." This is the fear into which we have now thrown our community when it comes to obtaining one of these so-called vital statistics.

I hope this is not the impression the government and we in this House are trying to portray to our people out there. Yes, indeed, there was a big loophole there. I think it's important that we take care of that. I think there are many areas the government should be looking at to make sure there are no legal loopholes in there. But as well, I think we have to assure our community that we will not go after the wrong people for the wrong reason.

I think it's a good move on behalf of the government to bring this particular bill at this particular time and I hope this will be one of the areas that not only us but the government will be taking into consideration when dealing with other vital statistics.

**The Acting Speaker:** Comments and questions? The member for Beaches-East York.

*Interjection.*

**Mr Michael Prue (Beaches-East York):** I don't know. I don't think I look like him.

The issue of birth certificates is of course a very vital and important issue and I listened with some interest to the speakers. This is long overdue and, although I cannot

speak for the entire caucus, I am speaking on my own behalf that this is a long overdue measure and all members of the House should be supporting it.

But they should not be doing it just because of September 11. Although that was a very important and tragic day in the history of North America and I guess of the world, the reality is that birth certificates for too long have been too easy to get.

**1950**

If I get a chance to speak later on, which I intend to do, I'd like to talk about the misuse that people have made of birth certificates in the past. They have been misused at immigration, at ports of entry, for applying for passports. They have long been out of favour for government officials when looking for identity documents. It's one of the documents, in fact, that many government officials will not look at individually or by themselves.

I commend the minister and I commend the members who have spoken on this issue, but I would say that there are many amendments that need to be made, not only to make this stronger legislation, but there are some additional loopholes and some hurdles that must be overtaken in order for this bill to adequately reflect the values of the people of Ontario and to make sure that they continue to be accessible for those Ontarians, for those Canadians, who require the document. I hope to be able to do that in my speech.

**The Acting Speaker:** Questions and comments?

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to respond to the three government members: Minister Sterling, the member from Brampton Centre and the member from Simcoe North; Mr O'Toole as well.

Birth certificates of course are used much in our society today. They're used to obtain passports. They're used when we travel to other countries, specifically the United States and some of the Caribbean countries. They're used in the place of passports. They're used to obtain a social insurance number. They're used for all kinds of things.

I must confess, when the minister first told us that it's 130 years since this legislation has been amended substantially—that's quite a remarkable period of time, considering what we use these certificates for. I don't think the minister planned this after—maybe he said he would, but I don't think he planned it after the September 11 event. But it's timely. We are now worried about our security. We're worried about all kinds of things. We're worried about the allegations that thousands of people are in this country illegally and how easy it is for those people to get birth certificates, duplicate birth certificates that are sold. I think the legislation, although it may not have been planned until after September 11, is certainly most timely.

The topic of guarantors was an interesting topic that the minister had in his speech. I know that is used for passports, when guarantors or people vouch that an individual is who they say they are. The government will audit that from time to time and spot-check. Telephone calls are made to those people as to whether the people

who allegedly signed those applications for passports are who they say they are.

The same thing is being done for birth certificates. So I congratulate the minister for bringing this forward.

**Ms Caroline Di Cocco (Sarnia-Lambton):** It's a pleasure to rise on Bill 109. I have to say I'm pleased that the Minister of Consumer and Business Services, after Dalton McGuinty raised the issue in the House a couple of times, acted so quickly to get this bill forward, because I think in these times we have to try to close the loopholes as we find them in our security for this province.

I would like the minister, though, to consider a couple of items that may be a real obstacle in this application. As you know, in the application you're required to give your birth weight as well as the doctor who was present at birth. I had a person who came to me who happens to be adopted, for instance. Her fear is that if she loses her birth certificate, she doesn't have these details. She doesn't know what her weight was, or maybe she doesn't know who the doctor was who was there. Unfortunately, the application asks for that specific information. As I said, oftentimes it's OK for children who are born now, but for some of the older children whose parents are deceased or whose medical doctor is not there, it may be an obstacle. It's a suggestion maybe that you can fine-tune as we move forward.

I want to say that I'm glad that in any way we can, without fearmongering, we close the loopholes as we find them to ensure the security of the citizens of Ontario is protected. I'm glad that, because of Dalton's comments, it was raised so quickly.

**The Acting Speaker:** The member's time has expired. The minister from Lanark-Carleton has two minutes to respond.

**Hon Mr Sterling:** The opposition members are playing what I would call a somewhat childish game as to who gets credit for what. They actually give us far, far too much credit. For them to suggest that the Leader of the Opposition, Mr McGuinty, could make a suggestion and we could come back in with a comprehensive bill like we have last Thursday, in a period of two weeks, really gives us a lot of credit. That we are able to react that quickly to draw up a piece of legislation, and to bring forward a logically thought-out piece of legislation, is quite amazing. I think the problem with that kind of approach is that it leads to the continued cynicism about our political process, and I'm trying to lead away from that.

Leading away from that, I want to congratulate the new member for Beaches-East York. The member for Beaches-East York, coming from the municipal world, which I believe works very differently than our Legislature—unfortunately, in some ways—is going to come forward with some positive suggestions, some suggestions about how the bill can be improved. He's not going to talk about the process or who was given or who was not given credit. He's going to talk about the bill. He's going to talk about the provisions of the bill and he's going to make some positive suggestions.

I welcome all members of this Legislature to bring positive suggestions about the bill. Let's not talk about who gets credit, who doesn't get credit. Let's really talk about an issue for a change, because it's in all of our interests to get it right. I am quite willing to be open, and I congratulate all members on positive suggestions.

*Interjections.*

**The Acting Speaker:** It may be the time of night or whatever, but we'll not have this yelling back and forth. I want to remind you that you are allowed to leave voluntarily if you don't want to be here.

**Mr James J. Bradley (St Catharines):** On a point of order, Mr Speaker: I would like to get clarification from the longest-serving Conservative member of the Legislature if it's true that the Premier is stepping down and he is assuming the interim leadership of the party when the Premier steps down. Is that a point of order?

**The Acting Speaker:** That is not a point of order. Further debate?

**Mr Mike Colle (Eglinton-Lawrence):** It's my pleasure to rise in the House to bring to light different aspects of Bill 109. I've told the minister that generally we feel very positively disposed toward this bill. We think it's needed and it's opportune. We will do our best, in all seriousness, to try and make it a better bill and ensure there aren't any complexities in it that make it difficult for ordinary people to get their birth certificates. We're willing to offer our advice and our help.

These are incredibly unusual times. As the member from St Catharines said, the biggest television station in Ontario is reporting that the Premier is about to resign. I don't know if it's true or not, but things are not like they were before.

We're definitely trying to wade our way through uncharted waters. As you know, the minister talked about the fact that this bill has been worked on in previous weeks and months by various ministry staff and the OPP and so on. But I think we all know that the horrific, incredible events of September 11 by those cowards, perpetrated in the United States, have brought a new sense of immediacy and urgency to government. I think this government, like all governments, is taking its role quite differently. As a result of that horrific event, as the member for Brampton Centre said too, we have to do things differently. This government has reacted.

**2000**

Something pointed out in this Legislature by the Leader of the Opposition—our leader, Dalton McGuinty—is that by faxing or mailing in a one-page form, by answering two or three questions, you could obtain a birth certificate in the province of Ontario. I know some of the members speaking on the government side were making it sound as if someone in outer space was putting together these rules and regulations for obtaining these birth certificates, but it was this government that's been in office for almost seven years now that has done nothing about the fact that you could very easily obtain a birth certificate in this province with no checks and balances—with, as somebody mentioned, a \$100 fine.

You could get 20 or 30 birth certificates—nobody ever checked. You just wonder how many people have been dismissed or laid off or cut back in that ministry and how many people were really watching these files over the years. How many false birth certificates are out there? Hopefully, they didn't get into the hands of the likes of the people we've seen in the last month.

Government has a role not only to give us our driver's licence and our health card. All that information is really a special charge that the government has, and we as citizens expect the government to watch over our information and to carefully guard it with highly trained people who are well-intentioned. But I think we took for granted in the province that one of the cornerstones of getting information for your passport is the birth certificate. There was essentially nobody at home watching over this vital piece of information. They were simply asleep at the switch.

As a result of bringing it to the attention of the government—and it made it into the press. It was at first, as you know, denied by this government saying, "Oh no, the Leader of the Opposition, Dalton McGuinty, was wrong." Well, he was right that there was a major loophole that you could drive a train through. There was basically nobody protecting this type of vital document. For sure it was inviting to people of nefarious intent to use this kind of loophole to gain access to drivers' licences or passports and do who knows what with them.

It was like the individual—I think he's still detained in Toronto—the citizen from a Middle Eastern country who was caught with four passports on his person the other day—four passports. How can they rationalize having four passports? And they all had different names on them from the same country.

As a result of September 11, I think we have no choice but to take government much more seriously. As you know, in the province of Ontario for the last seven years we've been told government isn't needed. We were told government just has to be downsized; government has to be fixed; there are very few redeeming aspects about government and the people—the men and women—who work for government. They were always looked upon as necessary evils—in come cases unnecessary. This government of Premier Mike Harris systematically has taken away that sense of high moral purpose in government, has downsized government, department after department, to the point where there isn't anybody safeguarding our vital statistics, as was the case with our birth certificates. Certainly in the Ministry of the Environment there was nobody watching the shop, with over half the trained staff kicked out the door. In the Ministry of Natural Resources—guarding our water, our wildlife—there's nobody there to guard our heritage of natural resources.

I think out of this stark reality we realize that government is important. You can imagine in the United States if you didn't have the leadership of a Rudolpho Giuliani—how important that kind of leadership is from the mayor of that great city. It's not some corporate CEO who's leading the city; it's the elected mayor of New

York, who represents the people, who's taking the people of New York through their most perilous time. It's the elected President of the United States, George Bush, who heads the federal government, who is, again, not only guiding the nation of 300 million people but who is attempting to guide the free world through its most precarious period in history.

How can you continue to tell us that government is not needed, that government has to be downsized, hatcheted, cut down and marginalized? That's what the neo-conservative agenda has been all about in this province, to the detriment of our services, to the detriment of the good men and women who pay taxes and want government to protect them when they need protection.

That's why it's critical that this government start listening to the people of Ontario, listen to the opposition with the good advice that we give. Our advice isn't impeccable, but we try to bring forward things that should be worked upon. This is one case where I think out of embarrassment the government had to move to plug this little loophole. It was obvious that this was a laughable loophole in Ontario, where someone could basically mail in or fax in a one-page form with three questions and then get a birth certificate. That is not acceptable in terms of the public charge the government and government workers have.

I don't blame the government workers, because they've been demoralized; they've been systematically downsized to the point where they were told they weren't necessary for the prosperity and good governance of this province. So we have to start to understand that there may be some lessons to be learned from that horrific mass murder that occurred in Pennsylvania, Washington and New York, that perhaps we can come again to say that government isn't perfect, but government is needed to protect people, to provide not only for security but for good health and, again, for equal opportunity.

Perhaps we have finally turned that corner in denigrating government, because government is based on democracy. Democracy means that we all have a stake in it. Whether we're elected MPPs or whether we're citizens of this incredibly beautiful province, we have a stake in this government. We are part of the government because this is an open democracy that we all have a vested interest in. It's a vested interest that we have to keep whole for our children and our grandchildren. So we as MPPs have even more this incredible gauntlet that is passed to us, that we represent so many who came before us who made this such an incredibly prosperous and successful province and country.

That's why I think at this time, as we've said in opposition, we will support the government on this bill and we'll try to make it a better bill. But I think that's the kind of attitude we need right across this country.

I was very upset last week when we saw the Minister of Finance basically carping up at Ottawa, saying they need more money for A, B and C, the same old carping, denigrating the Canadian government about, "We have to pay for our tax cuts by your giving us more money." This

is not a time for the provincial government to go to Ottawa and start backbiting. They should be supporting our men and women who are overseas.

We've got one of the biggest contingents—people sneer and snicker when they talk about the Canadian men and women in the force that went overseas. Well, you look and compare what Canada has contributed to NATO, in this effort to defeat terrorism, to the other countries in the world. Just go down the list and see who, proportionately, has offered more than Canada. The only country that has offered proportionately more than Canada is Great Britain.

As Canadians we should be proud of the fact that whether we're defending a birth certificate or a Canadian passport or Canadian tradition or Canadian freedom or whether we're defending Canada's democratic future by fighting terrorism, we should stand behind our flag, we should stand behind our Canadian government and we should stand behind the Ontario government if it does the right thing, and stand behind our municipal services, because they are there to protect our water supply; they are there to protect our public health locally.

I don't begrudge this government and the members the fact that they've stood up and said we have to be more security-conscious. We agree. But we also have to put our money where our mouth is in this province.

As you know, my own city of Toronto has come up with a very good plan to protect the city in these times. They've said we need money for the firefighters to be able to respond, our police force, our emergency services and our public health to fight such disgusting things that we see going on in this country. So they are asking for money from the federal and provincial governments. We should invest in those security services. We shouldn't quibble; we should certainly be able to scrutinize it, but this is a time to put our money where our mouth is as a province that's very rich and help our cities meet this challenge, whether it be bioterrorism or a military threat.

**2010**

Certainly there's a disagreement about how prepared we, as Ontarians, should be. I've heard some people say, "This is not New York; this is Toronto." I'm afraid I feel we are all New Yorkers now. Whether we like it or not, what happened in New York happened to all of us. We've all had children, we've had relatives, we've had business associates who could have been in that building or were near that building or were in Manhattan. We go back and forth continually. I've had my own children go back and forth, having lunch in the World Trade Center just this spring. So we are all New Yorkers. Therefore, as Torontonians, we owe it to defend what we believe is basically a democratic right to freedom and good government.

It doesn't mean we have to be extremists on the other side, where we let down our tolerance and let down our protection of minorities. No. We are going to continue that because we've had a history of doing that in Ontario, the most diverse of the provinces, and in Toronto, maybe the most diverse city in the world. We can use that

tradition of showing tolerance through these perilous days ahead. We're not going to put aside our tolerance, but we're going to be awfully tough in pursuing justice. We'll have to be awfully tough in pursuing the defence of what we think is important for the good government of this province.

What baffles me is some people say, "We shouldn't talk about this anthrax scare in the United States." Other people say, "It's never going to happen here." As we saw in the Parliament Buildings of our federal government, they had to cordon off the Centre Block today. So in many ways, what is there supposedly is here.

I think we owe it to the wonderful men and women who are working overtime with our police forces, our emergency services, in our health departments to try and defend us. They are doing this right now. There are a lot of police officers on overtime because we've had these emergency calls for help; they weren't sure what they were, but they're on guard and they're working extra hours. So we owe it to them to give them the support, and if the city of Toronto or the city of Windsor needs extra police officers or extra firefighters or extra equipment, I say the province of Ontario should say, "How much do you want? We will give it to you." And the federal government should help too, because we need local civil defence.

There's nothing wrong with being secure, and that's why I support this bill. It makes us more secure. It makes me feel a little bit better. The minister has come forward with a bill, on the prompting of Dalton McGuinty, but it's a good bill. We'll try and make it better, but we'll support it because we need to feel more secure. When we feel more secure, I'll tell you what it does: it takes pressure off our police forces.

I had the good fortune—in a way it wasn't good fortune. We attended a memorial mass last Friday evening at St Francis of Assisi Church, which is one of the oldest parishes here in Toronto, down at Grace and College. It was a wonderful thing to see. We had a wonderful choir. We had RCMP officers there, we had Toronto police officers there, we had seniors from the community singing in Italian, singing in English, celebrating a mass. At the end of the mass, do you know what they did? For the first time I've ever seen it in a church they sang God Bless America. This was a wonderful expression of sympathy for the tragic events that happened in New York City. Also, I think it brings us together as a country, saying that these hijackers, these premeditated barbarians, are not going to destroy the good things we have built up in this country or this province or this city. As I said, it was put on last Friday at St Francis of Assisi church. It was put on by the Canadian-Italian congress. It was the idea of Giuseppe Simonetta. We had a wonderful wreath in front with the Canadian flag, the Italian flag and the American flag, and it was a testament to what's great about this city and this province.

I had the pleasure afterwards to talk to a couple of RCMP officers. Their main concern is that they're going to be run off their feet so much by all these false alarms

and lack of seriousness and preparedness that they're not going to be able to catch the criminals who would perpetrate—hopefully not in this country—those acts of terrorism. That's why I'm in support of being informed, being prepared, as this bill does, and that's why for the life of me—it is so aggravating to people when they hear that some terrorist or some nut case with a 50-cent stamp can hold a whole country hostage. We're getting these envelopes that went to NBC, that even went to the leader of the Senate. Daschle got a letter with, purportedly, anthrax powder in it. What happens is that all our police forces—in the States, it's the FBI office, the health authorities, the Centers for Disease Control in Atlanta—are being run off their feet by these letters that come in to significant places. They are in Nevada now, there are a couple of cases in Europe, and there was one in Ottawa today. That's why I think we as a government, or part of the government in opposition here, want to ensure that people have information.

On the front page of one of the local papers yesterday—it was really upsetting; I don't know if you saw it. It was one of the local tabloids. The big headline said "Panic." I don't know what good that headline did. I don't know how it justified anything, a big, bold, four-inch "Panic" on every box across the city. I don't think we want panic; we want an organized response, to be prepared. That's why I commend the minister for this bill. This is a responsible move. It's not causing panic or alarm, but it makes us be alert so that we won't open our doors and invite these nefarious characters to do harm to innocent people.

I'm going to read this, and I think the government should do this too, so that we won't have our RCMP officers, our health officials, our police, our firefighters running off their feet all over this country. This is a simple procedure; it says, "Handling Suspicious Postal Packages." We should let people know that you shouldn't be opening envelopes from people you don't know or with no return address. They've been giving this out in the States. I don't know why we don't have this on the front page of our papers.

Here's what they say to do. It says first of all, "(1) Do not handle the mail piece or package suspected of contamination." Don't touch it. "(2) Notify your supervisor, who will immediately contact the Inspection Service, local police.... (3) Make sure that damaged or suspicious packages are isolated and the immediate areas are cordoned off. (5) Ensure that all persons who have touched the mail piece wash their hands with soap and water."

By the way, this is from the US Postal Service. They have issued this nation-wide. I don't see why Canada Post or our provincial government shouldn't be giving out these instructions too. Some people will say, "Don't alarm people." I think to be informed is to be prepared, and therefore you don't put pressure on our security services, who have a lot more serious things to do.

It says, "(5) Call a postal inspector to report that you received" the package. "(6) Designated officials will notify local, county" police. "(7) Designated officials will

notify the state emergency manager. (8) List all persons who have touched the letter and/or envelope. (9) Place all items worn when in contact with the suspected mail piece in plastic bags and have them available for law enforcement agents. (10) As soon as practical, shower with soap and water. (11) If prescribed medication by medical personnel, take it until otherwise instructed or it runs out." Number 12, for the American audience, is to call a disease-control number.

## 2020

I don't think there's any harm in Ontarians getting that kind of information. As I said, our RCMP are without a doubt historically one of the best police forces ever in any country—we need to help them and not run them off their feet with all these alarms that occur by these terrorists who, by design or by accident, have in effect caused upset and terror all over the United States. You turn on the television, the radio, the newspapers: this anthrax stuff is everywhere. That's why I think government has a duty to inform people methodically, calmly, in terms of what to do. We should be talking to our schoolchildren in terms of being safe, being alert, about respecting what your parents say, what your teachers say. Things like simple fire drills: there's nothing wrong with refresher courses on CPR and fire drills.

Even around this place we've got an excellent security force, but I still find it incredible that if you look out front, you can almost drive a truck or car right to the front door here—I guess this way. Perhaps we should have a few more security guards here. I don't think it would do us any harm. You can say, "It's never going to happen here," or, "We're OK." This is like prevention. As the minister said, maybe no one has used this loophole to gain access to a passport and commit an illegal act, but at least this bill sends a strong signal from the province of Ontario to these barbarous individuals that you cannot use this loophole, that people in Ontario, the OPP and people in the Ministry of Consumer and Business Services are at least doing their bit in terms of making this a more secure province.

I think that if we all had this attitude, where the Minister of the Environment, the Minister of Municipal Affairs, the Solicitor General—I know he's trying to do his best, working feverishly behind the scenes with firefighters, and I commend him for his work in trying to meet this challenge. But I think as Ontarians, as Canadians, we should not only support ministers or support our local police chief or our local fire chief or our emergency services personnel; we should also make sure that we remind ourselves that we are Canadians and as Canadians we prize our individual freedom. We have always cared for other people. We've got an unbelievable challenge right now, facing this enemy that is invisible and is certainly without conscience, and I think we've got to do whatever we can to send as many messages as possible to these potential terrorists that we will not in any way, shape or form make it easy for them. We are going to make it as difficult as possible. That's why I say that whether it be this Legislature or whether it be our water

system at the R.C. Harris filtration plant or whether it be the bridges or the nuclear power plants like Bruce or Pickering, we have to be on guard. It's got to be more than just a token effort, because these—I was going to say animals. Animals would never do what they did. These barbarous so-called people will stop at nothing.

I know that my constituents of Eglinton-Lawrence want us to be on guard. They want us as a provincial government to support our federal government as it attempts to go overseas to root out this terrorism. As our young men and women have gone over there already or are on their way over, we support them and their families.

We want to remind our youth in this province about these pieces of legislation that come before us, whether it be this Bill 109 which I think has some technical things we want to ask questions about and maybe improve.

As I think the member for Kingston and the Islands mentioned, what happens to an individual who, for instance, is an adult and wants to get a new birth certificate and can't remember the name of the doctor or can't remember the weight at birth, or even small things like the hometown of his mother and so forth?

So I think we have to find ways of improving the bill. As the critic for this area of business services and consumer affairs, I also notice that if your birth certificate is revoked, there is no basis for appeal right now. We're going to have to ask the minister about that in committee, how we can look at that, because there are a lot of legitimate situations where people may have basically made a mistake and lost their birth certificates. It happens all the time.

The other interesting thing which the minister repeats—and I'll take his word for it; that's what the OPP thinks is the best thing—is that we're not supposed to carry our birth certificates with us. That's the professional advice, and we have to basically tell people in Ontario not to carry their birth certificates with them unless they're going on a trip or somewhere where they will need it to go across the border, the rationale there being that way it can't be stolen or lost so easily. That's perhaps good advice.

The member for Kingston and the Islands probably has the busiest constituency office in all of Ontario. People are lined up out the door to get help there. But as you know, when they come into our offices, our staffs are continually asked for help. I know it's no different in Hamilton East. The phones never stop ringing, people are coming in non-stop because they have to get a name changed, whatever it may be, and in fact I've noticed an acceleration, especially when the ridings are now 110,000 people.

But I think the government should also consider somehow acknowledging the fact that our constituency offices are the front line for people services. The member for Sarnia-Lambton, Mr Beaubien, has helped me with a constituency problem I had with OPAC where this tax organization wouldn't give out assessment information to people. He and I together actually have been sort of com-

plaining about this for the last year and a half or so. By the way, Mr Beaubien, they finally allowed the information on tax assessment that I can show my constituents.

The point is we are the front line of people service, so it's not just the big offices down here in the Macdonald Block; it's the little offices on Princess Street in Kingston and all these front-line offices that need some support from this government. I hope, along with this new onus on doing a good job with these birth certificates, our staffs will do a good job in Brantford, in Cainsville, where the member from Cainsville, Dave Levac, will tell you that there too they want this government to appreciate the work our men and women do on the front lines in getting information.

Rather than just downloading all the work onto our front-line people in the constituency offices, the government had better give our front-line people some supporting services so they can do a good job in ensuring the birth certificate situation is done properly, because this is a dramatic change. I am sure you want that support in your riding in beautiful Stratford, Mr Speaker. We need good support so that we can treat every individual who comes into our offices with a birth certificate problem or a birth certificate request for information with respect and get something done that is secure, ensuring that if we have to sign it as a guarantor, it's done right.

It is a serious issue. A false birth certificate can lead to a lot of other phony documents, and these barbarians will stop at nothing. This is a bit of a plug of a loophole again, brought forward by Dalton McGuinty. I think it should be called the McGuinty bill. We will do a good job with this and help tighten down this province and ensure that we are safe in our homes and in our communities and that this barbaric activity comes to a quick halt. Let's pray for that.

**The Acting Speaker:** Further debate?

**Mr John Gerretsen (Kingston and the Islands):** First of all, I'd like to thank the member for Eglinton-Lawrence, who is our critic in this area, for an excellent presentation.

Yes, we do run a very busy constituency office in Kingston, but I would think that probably goes for every member here. I would say that, on average, we probably process somewhere between 20 to sometimes 30 birth certificates a week. Of course, the reason for that is that for many people, when they are looking for a government entitlement or a government program, the first thing that is asked for by other government ministries is, "Do you have a birth certificate for the individual you're making the application on behalf of?" We all know that sometimes a birth certificate then is required almost immediately, very quickly.

**2030**

Yes, we support this bill. We think it's a good idea that there should be a guarantor, and various other issues relating thereto. But I think it should also be realized that we may not be in a position to get birth certificates quite as quickly as we did before and therefore the general public out there may in fact be inconvenienced. I think

we have to give a balanced view to that; the extra security, the extra precautions that are taken on the certificate balanced against the time that it may take to actually get the certificate issued.

It never ceases to amaze me how in this forum we can never give credit to anybody on the other side of the House for actually coming up with a good idea. I know the minister said here tonight that they were thinking about making this change to this act, which hadn't been changed, in his own words, in 130 years. They were thinking of doing that when my leader, Dalton McGuinty, asked a question about birth certificates and how easily they could be obtained. As a matter of fact, you may recall that Mr McGuinty asked Mr Sterling to close a loophole which allowed Ontarians to get a birth certificate if they could answer very simple questions and pay \$15. The minister, at that time, and Hansard will bear me out, said, "I don't believe that's the case," and he basically dismissed him out of hand.

With all due respect to the minister, showing him to be the gentleman that he is, the next day he came back to the House and conceded that McGuinty was correct and that the government had failed to close the loophole. Tonight he's saying, "We were going to do it anyway, because it had been under study," and maybe that's so, but I somehow doubt it. This really was an issue that the Leader of the Opposition brought forward, as an opposition should, and it was taken up by government and government did something about it.

I have just gone over the Request for Birth Certificate while this discussion has taken place, and I can tell you there are at least two areas that I found very quickly where this form is deficient. Let me just point out a couple of them. One deals with the guarantor section. It says, for example—and we heard Mr Garfield Dunlop, the member from Simcoe North, read out an entire list of individuals who could act as guarantors, and he included MPPs. Even the minister, in his own press release, said that MPPs could guarantee the birth certificate applications as well.

Well, I have taken a copy of the new birth certificate application form from the Internet tonight in my office and I have looked in the section under who could be a guarantor—I've looked at it three or four times—and nowhere in that section are members of provincial Parliament included. That's an oversight, I assume, because from what the minister said in his press release, they should be included, and we are for many other purposes, so I don't see any reason why we shouldn't be included for this purpose. But that's the reason why I think the bill was brought here very quickly, put together very quickly after the issue was raised by Mr McGuinty, because members of provincial Parliament were excluded from this list.

There is another very interesting section, and I'll just read it to you, as to who can apply for this birth certificate. I'll read it to you word for word, and then I'll pose a hypothetical question to you. It states that:

"You may get a certificate ... only if you are:

"the person named on the certificate and you are at least 13 years old"—that's understandable; so you have to be 13 years of age and you're the person who is named on the certificate—"or a parent of the child named on the certificate and your name is on the birth registration;"—OK, that's fine as well; a parent can apply for a child—"or the closest next of kin, executor, or estate trustee, and the person named on the certificate is deceased." So that presumably takes care of the situation where somebody has died and now somebody has to apply.

What happens if there is no executor and there is no estate trustee and the closest next of kin refuses to do anything about it? I know of many situations, through my own law practice over the years, where the person who wants to do something with an estate, particularly an estate where there is very little monetary value, may not necessarily be the closest next of kin. There may not be a will or there may not be an estate trustee appointed. According to this section, if you are the second-closest next of kin, you wouldn't be able to apply for the certificate. So I think this is probably an area where the ministry didn't quite mean what it says on this particular form and it wants to take another look at it and correct that. In other words, this again leads me to believe that this was drawn up somewhat hastily and perhaps it's time that a committee took a look at it and made all the necessary changes that may be required.

The other thing that I have some concern about is that right now to get a certificate is \$15. It wasn't too long ago that you could get a birth certificate for much less than that. I've forgotten the exact date, but it's probably only three or four or five years ago when you could get it for as little as \$5 or \$10. As a matter of fact, if you want instantaneous service, you can get it by paying an extra \$15 for same-day service. So if you want same-day service, you've got to pay \$30. My question is, how long is that going to last?

The ministry itself has stated unequivocally, in another release, if I can find it here, that bringing in this new technology, this longer form, will cost an extra \$5 million to \$10 million to start and then \$2 million or \$3 million per year thereafter. So it would not surprise me at all if within a relatively short period of time we will go from a \$15 certificate to a \$20 or \$25 certificate. I know a lot of people out there may be saying, "So what? Everything costs more."

But I'm telling you, from our own experience in our own constituency office—and undoubtedly it's the same in a lot of the other offices—quite often the people who require these certificates are the people who have the least amount of money available to them at that point in time, because they usually need the certificates in order to get some government benefit or entitlement or whatever. We have to be honest with the people and we have to tell them that if there is going to be more work involved by more people in government, it's going to cost them more money to get the certificate. There's nothing wrong with that, but at least be upfront by telling people that. As a matter of fact, the form even indicates that,



where it says, "Please note that fees are subject to change without notice," at any time. Of course, that's a clause that's included in all of these forms.

The other thing that's interesting and has already been pointed out by some of the members here is that the new application, the request for the certificate, includes a lot of information. I'm not sure how relevant it is and I'm not sure why it's asked. I'm not sure if you don't know—nowhere on the form does it state that you have to fill out every single space on the application or that it will be accepted if you don't fill out every single space. It asks, for example, for the weight of the child at birth. I don't know what the relevance of that is. It may be, as my friend opposite would say, that I'm nitpicking. But why is it there if it doesn't mean anything? Does that mean if somebody grows up to be—

**Mr Bruce Crozier (Essex):** How much did you weigh at birth?

**Mr Gerretsen:** I have no idea what I weighed at birth, and I don't think it has anything to do with whether or not I should be able to get a birth certificate at this point in time.

2040

*Interjection.*

**Mr Gerretsen:** I was a small baby. You're probably correct, and the next time I speak to my mother I will ask her if I was a small or a large baby. Also pointed out earlier by one of the members—and I don't know exactly how you would deal with the adopted child situation in this case

The point that I'm quite simply trying to make is that there are some amendments required to this bill and to the rules as set out herein. It is not as easy as the minister would like us to believe. It is probably a step in the right direction. The reason I say "probably" is that I know there is a tendency, particularly after the horrific events of September 11—and I think we can all agree that was probably a date we will never forget as to where we were when we saw what happened that day—and there's absolutely no question that all of us over the last month have had a certain amount of fear or trepidation about being in certain circumstances, particularly when you hear about things like anthrax and smallpox and so many other potential diseases out there. But I do believe that it is irresponsible for the government to suggest that the opposition is scaremongering when we raise, as we have over the last three or four weeks, some very legitimate questions about some very legitimate security issues that we have.

The first one that comes to mind is a potential invasion of the security of our nuclear plants in Ontario. We heard of that situation a week and a half or so ago, that somebody had actually gotten behind the security fences at the Bruce nuclear plant and somehow had used a phone etc. It's very easy for a minister to say, "Shouldn't we help that individual who was stranded there for whatever reason?" Of course we should help that individual, but the real question is, how did that individual get there? Then for one of the other ministers

to say, "We had never thought that the security of this nuclear facility could be invaded by water," when all of our plants are on the waterfronts of the various Great Lakes etc, it is almost preposterous to think that was not something that had been contemplated at some point in time.

The real question, and I think a very legitimate question raised by the opposition, is, what is currently being done in order to ensure those facilities from any kind of attack? That's the issue. We can talk about the Bruce nuclear situation; we can talk about our water plants. I live very close to a water plant in Kingston, as a matter of fact, not more than one block away, and I'm not sure exactly what kind of security has been put into place there to ensure the quality of the water supply and that it cannot be tampered with by terrorists or other individuals. It may very well be right now, for example, with all that we've heard about anthrax in the last week or so, that these may be a bunch of other loonies doing this kind of thing or people who are simply out there, I don't know, trying to cause fear and trepidation in people. There may be something mentally wrong with them. It may have absolutely nothing to do with bin Laden or any of his cohorts at all. The fact that it's happening has to be dealt with, but the same thing could be happening to our water plants, so it's a very legitimate question to ask, what is being done to safeguard the water supplies that we have in each one of our communities?

For the government to, in effect, say, "That's not our responsibility, that's a municipal responsibility," when at other times they make it quite clear to municipalities that they are only creatures of the province, I think is totally irresponsible. I could go on. I happened to take a look, as the result of some inquiries that were asked of me, about what had happened to the ice storm reports that were done after the ice storm hit eastern Ontario back in 1998, at the emergency planning legislation, and noticed that that legislation is not mandatory. It is left totally up to the municipality as to whether or not they want to have an emergency plan in place. I think the government is taking the right step by saying, "Look, we're no longer going to make it permissive. We're going to make it mandatory that every municipality has an emergency plan in place. Perhaps in some cases where municipalities are close together they should jointly work on it." I think these are all issues that are legitimately raised by the opposition and that the government should respond to. This is one issue where they did make the response to an issue that was raised by Dalton McGuinty.

There is one other section in the act that I find kind of interesting, and I'd like the comments of the minister or the parliamentary assistant. That is, they really laud this notion that if you contravene the act, you can get a fine of not more than \$50,000 for an individual and \$250,000 for a corporation. It's wonderful to put that in an act. Everybody who is involved who knows that an application has been put in that is not correct has that responsibility, and the person who loses his or her birth certificate has that responsibility as well. I'm not so sure if, under the threat

of a potential \$50,000 fine, a person who has lost their birth certificate is going to phone the registrar general and say, "I've lost my birth certificate." There has to be something in the act so surely that somebody who realizes that they've lost it sometime well after they've actually—how do you know when exactly you lose something? Let's say they haven't had it in their possession for a year or so, then they need it, then they find out it's gone. What happens if they don't report it at that point in time? The legislation would suggest they are subject to a \$50,000 fine.

I would suggest there be something placed, hopefully, in legislation—but if not in legislation, at least in regulation—whereby in those kinds of situations a person would not be subject to the so-called \$50,000 fine, or else I would suggest you are not going to have too many people who will phone the registrar general. Because I submit that if you have a threat of a potential large fine like that, people aren't going to be all that co-operative. Of course, the real proof will be some three or four years down the line when, undoubtedly, one of the now government members, who will then be sitting in opposition, will be asking how many prosecutions there have actually been under this act. I would dare say we'll probably find out that there wouldn't be all that many. I don't know how you would prosecute anybody, unless it is out-and-out fraud, and it could be. Maybe the member from London West can respond to that later on. I'm saying that threatening somebody with a large fine isn't necessarily going to bring that person to come forward a lot quicker with the information.

We are all concerned about personal security and safety. I think we all want it for ourselves and for our families. If this helps after we've taken another look at the bill and after we've made some amendments to it, so much the better.

There are so many other issues as well relating to personal security. The issue, I guess, that I've been working with for the last month or so—it's primarily because a member of my own family has over the last two or three months been extremely ill and needs home care, needs a long-term-care facility etc—is that I've become more and more aware of the fact of the tremendous lack of those facilities we have. I know we've all been getting calls in our constituency offices and followed them up, but there is nothing worse for an elderly person who comes out of a hospital quicker and sicker than ever before, who is being sent home, who needs the support of a home care worker or a nurse for a couple of hours a day, being told by their community care access centre, "I'm sorry, but we can only give you one hour a day or two hours a week of care" etc, when that person has absolutely nobody else who will look after or assist them.

**2050**

It was always my belief that when this government decided to go into the health care restructuring scheme they have implemented, or have started to implement, across the province by closing hospitals and closing beds, they gave the commitment that there would be enough

resources in the community so that individuals could get the necessary home care and the necessary nursing care that they required. That speaks to their personal security. It may be a different situation if you have another adult member in your family who is able to look after that individual and assist them in some capacity. But if you are alone and you do not get the help from the community that I believe as a citizen you are entitled to, then I think we have failed those individuals in the personal security that we owe them.

Insecurity isn't just something that comes and invades us from the outside through an event like September 11 or events like it, but it can come in so many different forms. One of the forms in which it can come is if we are not able to look after ourselves in our own homes and our acute care hospitals aren't able to look after us because we are being released and discharged from them a lot quicker than ever before and there aren't the necessary community supports. There will be some people who will say, "There's a stretch. That really doesn't have anything to do with it." But it is connected, it is definitely connected in my mind, because it also speaks to the sense of security that those individuals need. I would hope that the government will take a look at it. That's why I and other members in our caucus have been so persistent with the government to deal with that situation.

The thought that comes to me over and over again, and it has been dismissed by the government members when I've expressed this before, is that it was very easy for the government to say, "Yes, we are going to initiate the tax cuts that we were going to implement on January 1, 2002, on October 1, 2001, because we want to stimulate the economy." But that's costing the system, that's costing us in revenues as a province, \$180 million. That \$180 million, in my opinion, would have been better used if we had topped up the required monies for the different community care centres so that we can look after our elderly, so that we can look after our sick, so that we can look after the people who really need our help. That we simply aren't doing.

We will be supporting this bill, as I've mentioned before, but I would once again suggest to the government that there are some loopholes still in this bill. I see that the minister is back now. I hope you will take a look at that. As I indicated before, it is unclear as to who exactly can apply for this. You could have somebody who is not the closest next of kin who is placed in a position where they have to apply if they want to deal with the estate or finalize it; the current form doesn't permit it. Members of provincial Parliament are not included in the guarantors' list, which is kind of interesting.

**Mr Crozier:** How much did the minister weigh at birth?

**Mr Gerretsen:** That's the other issue. How much did the minister weigh at birth? The minister's not a very large man, so I imagine he was a fairly small baby, and probably very cute at that.

*Interjection.*

**Mr Gerretsen:** We've got to have some levity in the system from time to time.

**Interjection:** His mother would love him.

**Mr Gerretsen:** I'm sure she would.

I have some trouble when we tell individuals, by the way, that they should not be carrying their birth certificates. I know, as a matter of fact, that on many occasions—yes, people can have age-of-majority cards and other cards etc. But quite often, particularly individuals in their 20s don't have those cards available, yet they are required to go into certain premises, to make certain transactions and what have you, and a lot of these individuals rely on their birth certificate as proof of age. To say now, "You shouldn't carry it with you because you may lose it," to me is a little bit of an overreaction. That's like saying, "Don't carry your wallet because you may lose your wallet and therefore you may lose your entire identity with it."

*Interjection.*

**Mr Gerretsen:** No, I don't carry a wallet on me right now. But it's an argument that's along much the same lines. So I would like the minister to reconsider that idea, because it may not be the best advice he is taking from the OPP and the other forces out there. Birth certificates have been used as an identification document for many years. To now all of a sudden say, "You better not because you may lose it," is like saying you could lose any document.

Since there are a number of ministers in the House right now, I would just once again come back to my plea that we're not just talking about security in the sense of what happened on September 11; we're talking about security of all Ontarians. The best way to provide them that security is to make sure that the services they require, particularly in the area of health care, are available for them. The only way to do that is to ensure we have the resources within the different health agencies, whether they are hospitals or long-term-care facilities.

I find it astounding, for example, that in my own community of Kingston we've got people on two floors of our Kingston General Hospital, which is a modern, up-to-date hospital, some of whom have been there for up to two years—I know this from personal experience, having been there and spoken to these people—waiting to get into a long-term-care facility. I think that is dreadful. That is not the kind of health care, the kind of long-term care, that has traditionally been made available for the elderly, the weak, the feeble and those people who need it in our Ontario and our Canada.

I know the minister will say, "We've authorized up to 10,000 new beds. You people didn't do anything about it when you were in government and neither did the NDP." If they didn't, well, shame on them. And maybe 10,000 isn't even close to the number we need out there.

**Mr Dunlop:** It's 20,000.

**Mr Gerretsen:** Or 20,000. That isn't even close to what we need out there. It isn't enough. You know it and I know it. To allow people to stay for up to two years in an acute care facility—and I know they're in sort of a

downgraded position there—before they can get into a long-term-care facility is totally unacceptable.

**The Acting Speaker:** The member's time has expired. Comments and questions?

**Mr Prue:** Just a couple of comments. I listened with intent—maybe I'm a new guy here, but I actually listen to you guys—to member Colle. He was talking about a terrorist being found in Canada with four passports. I want to assure the House and those who are listening that it is not an unusual situation for people to have multiple passports in this country. In fact, the issuance of fraudulent, forged documents in the world is really quite pervasive, but we are to thank ourselves that such documentation and such forgeries are not as commonplace in Canada.

Part of the reason has been that we have a very good civil service and have always prided ourselves on a good civil service and the rule of law. However, that has come under considerable scrutiny and considerable pain in recent years. As any demoralized public civil servant will tell you, there just aren't enough workers out there to do the job that used to be done years ago in rooting out and finding people with forged documents. In fact, if one looks at the immigration service—and I will acknowledge it's a federal service—most of that is done through a little, tiny town in Alberta. People no longer look face-to-face at immigrants or prospective immigrants or refugee claimants; it is all done from many miles away, using a service where you cannot look into a person's eyes and examine them and talk to them. We need to get back to that. We need to get back to it in terms of issuance of passports as well as birth certificates.

**2100**

Last but not least, I listened to Mr Gerretsen on the role of MPPs, and I am in full agreement. The list is far too narrow; it needs to be expanded. As I told the minister earlier, there are some suggestions to expand that list to make it much easier for people to have access to public officials and others who can vouch for who they are and for that to be done in a local way that doesn't cost money—

**The Acting Speaker:** The member's time has expired. Comments and questions? The Chair recognizes the member for Lanark-Carleton.

**Hon Mr Sterling:** And the minister.

In response to the speakers, first of all, I am open to listening to members of this Legislature as to other people who might be suitable guarantors. One must understand that a guarantor is going to be phoned from time to time and they're going to be asked about the number of guarantees they've given, so they are going to be responsible. So I have no problem with—and I have said in this Legislature that MPPs will be one of the people who will be responsible and will be eligible to be a guarantor, and that's the way it will be, notwithstanding what's on pieces of paper or whatever.

*Interjection.*

**Hon Mr Sterling:** I don't care what's on the form. It's what the regulation will say, and the regulation will say I

am the registrar and I have said—that's one of the great parts of being the Minister of Consumer and Business Services. I'm the registrar of this particular organization, so I've said it and that's it.

**Interjection:** That's power. Holy Jeez.

**Hon Mr Sterling:** That's power, the only power that I have.

The other part that the member raises is about these cases that might fall between the cracks. I want the member to know that the registrar has fairly wide discretion under the present act and under the future act to deal with anomalies, situations which can't be covered, where you can't find the next of kin or you can't find an appropriate person to apply. There is a large discretion given to the registrar to respond—and the deputy registrar, who is the actual person who does that. So I don't think we need to worry on that. This is a reasonable act, and it will be applied in a reasonable way.

**The Acting Speaker:** Comments and questions?

**Mr Crozier:** I agree with the minister. I think this is a reasonable act, and, as my colleague from Kingston and the Islands has said, we will support it.

It is interesting that he has mentioned some anomalies that are either in or not in the act as it's presented, and I hope we have the opportunity to present amendments to it so that all of us will agree with the objective of it. The main thing is to tighten things up and that birth certificates may not be obtained by just anybody.

I want to mention to the Legislature an interesting point that I ran into just this week in my own riding. We had an elderly lady who attempted to cross the border and was required to have two pieces of picture identification. She doesn't drive a car, doesn't have a driver's licence, doesn't have one of the renewed health cards with her picture on it, so therefore couldn't provide a health card with a picture. The only alternative, as I see it, would be to have a passport, but then again that would only be one piece of picture identification.

So we're running into all kinds of situations now where it just isn't the way it used to be. I appreciate the fact that we are taking steps at least in the area of our birth certificates to tighten that up, but as the minister said, there are other situations that we're going to have to look at and deal with to make it easier for our citizens to access going to the United States.

**Mr Spina:** I wanted to address a couple of comments from the member for Kingston and the Islands. He was talking about some information that was on the proposed form which has been posted on the Web site, which he was good enough to pull off, and what he talked about was that there were some items on that form that didn't seem to be all that relevant. But I want to remind him that his fellow member from Essex in fact made the comment earlier that one of the requests that your people wanted and appreciated was the tightening up of the information on the form. Originally there were about 10 pieces of data that were going to be used as a check and a balance; there are now 20. So what may seem irrelevant on its own really becomes part of the greater picture of that

series of checks and balances in order to better verify the data if and when it is challenged.

With respect to the element of fees, I think you can appreciate that at this stage there is no fee contemplated, but I do want to remind the member that right now the fees that are charged are processing fees by the municipalities. In fact, some of these fees that go through the city clerk—in the city of Toronto, for example, I believe, and I stand to be corrected, it's around \$27.50. These fees are so high in some cases for some poor people that they may choose to have a birth outside of a regulated environment in order to avoid paying that—

**The Acting Speaker:** The member's time has expired. The member for Kingston and the Islands has two minutes to respond.

**Mr Gerretsen:** I appreciate the comments of everybody, including the minister. I'm sure that the last member, the parliamentary assistant, meant that for the original registration of the birth of the child the fees go to the municipality. What we've been talking about here, if I'm not mistaken, is where birth certificates are requested after that fact. Then, the money goes to the province.

I like the spunk of the minister when he says he's in charge and he's going to do it and that's all there is to it. I'm not so sure, with all the rumours around this place tonight about the Premier resigning tomorrow, whether that is an announcement by him that he is going to seek higher office than the high office he already holds today. I'm sure the Minister of the Environment, next to him, may have some comment about that as well.

No, I appreciate what's being said by all of the members about this situation, but I would like to come back to something else. When we're talking about security issues, we shouldn't only look at the documentation or site security, whether it's nuclear plants or water plants. We should also talk about it in terms of the security of the individual.

Minister, I have a lot of respect for you and for the Minister of the Environment, and for the chairman of Management Board, but what I would like you to do is to go to the cabinet meeting tomorrow—or whenever it's held—and tell the Minister of Health and Long-term Care and the associate minister that they are wrong by not coming up immediately with the money that our community care agencies need right now in order to help all those individuals who need community nursing care today.

**The Acting Speaker:** Further debate?

**Mr Prue:** Mr Speaker, I wonder if you can assist me. This is the first time I have done this. I am asking that the order be changed to allow me to speak. The lead is not here, but I am prepared to speak for 15 minutes or so.

**The Acting Speaker:** You would like to speak for 20 minutes instead of the hour?

**Mr Prue:** Yes. The speaker who was to speak for the hour—

**The Acting Speaker:** What would happen is that you would request unanimous consent for that and I'll put it to the—

**Mr Prue:** I so request.

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**The Acting Speaker:** The member for Beaches-East York is requesting unanimous consent to stand down their leadoff. Is there consent? It is agreed.

**Hon Mr Sterling:** On a point of order, Mr Speaker: Normally, what happens on the leadoff is that if you want to share that time with Mr Christopherson, you would say, "I want to share my time with Mr Christopherson." That would be the normal procedure. But I don't know whether you're wanting to just postpone his lead to another time or not. I don't know what exactly the request is. Is the request that Mr Christopherson have a full hour, or is the request that Mr Christopherson use up the remaining part of an hour after you speak?

**The Acting Speaker:** That is not a point of order. I'll take over the session for now if that's OK.

**Mr Prue:** I merely wish to speak for 15 or 20 minutes. *Interjections.*

**Mr Prue:** You'll work it out. Thank you.

I rise to speak on Bill 109, the vital statistics bill. As I have said in my previous statements, in my two-minute comments, I am in support of the thrust of this bill. It is a bill that is long overdue. It is a bill that is overdue not because of the events of September 11, but of really the events of a lifetime.

In this province, it has been very easy to get a birth certificate, as you have heard from speaker after speaker here today, for the sum of \$15 and for having a name. You can go and get a birth certificate, and that in turn will allow you to get other documentation through both the provincial and federal governments.

In the immigration department, where I worked for more than 20 years before becoming a professional politician, I can tell you that the birth certificate, as a document, was very seldom accepted at ports of entry. The Americans would not accept a birth certificate all by itself of a Canadian who was entering and who was suspect without at least one other piece of identification. The same thing worked in reverse. As an immigration officer at a port of entry, we would not accept a birth certificate from the United States as a lone document where there was some question as to the person actually being the person named in the birth certificate.

It was very easy to get them, and they were used very often for improper purposes. I don't have to remind some of the members who may be as old as I am that 30 or 35 years ago, when you were almost old enough to go into a bar, you would get somebody's birth certificate to go into the bar. That's what happened.

**Interjection:** Oh, no.

**Mr Prue:** Oh, yes. People used those birth certificates and they really were not the person. They used them for a purpose which was illegal. Very often, fortunately for the law, those people were caught. But the birth certificate did not contain sufficient information for any law official or any other person to verify its contents. They have no signature. They have no picture. They have nothing except identifying a place of birth and a date of birth, which

you can easily memorize. The proof, therefore, of the person is not contained within the birth certificate. As I said, a second document was almost always required at a port of entry.

In fact, people would have many of these documents. It was not unusual to have multiple identities on birth certificates, and it was not unusual to have multiple identities on social insurance numbers. Social insurance numbers were issued so casually that I even saw one for a dog; I saw one for a canary. They were able to be obtained simply by signature and they had limited or no value. So to have a birth certificate and to have a social insurance number was not necessarily proof of anything: not that you were born in Canada nor that you had the right to work here.

**Mr Bradley:** Are you burning books tonight?

**Mr Prue:** Burning books? I don't think I'm talking about that.

However, we are going to support this bill because the thrust of the bill is correct. The thrust of the bill is to tighten up the insecurity of the birth certificates and to make them a realistic and real document in the province of Ontario. In many parts of the world, it is easy to obtain false documentation. Canada should not and Ontario should not allow itself to be one of those places. As I said, it is endemic in much of the world to have false documentation. There is a whole industry out there with laser printers that can produce very good quality knock-off quality documents: everything from passports to birth certificates to social insurance numbers. It is extremely easy to do. We need to tighten that up so the birth certificates themselves are tamper-proof.

Having said that, I would like to make several suggestions for improving the bill. In this province, in this city and in this country there are literally tens of thousands of people who are undocumented. They have status pending, they are refugee claimants, they are illegal immigrants, you can call them what you want, but there are literally tens of thousands of people who are undocumented; or tens of thousands of people who are documented: everyone from foreign students who are studying here, to people on work visas, to people from multinational corporations who are working in Canada on limited contracts. Those people can and do have children, and the children have the right to an identification. If they are born in Canada, if they are born in Ontario, they have the right to a birth certificate.

What is being suggested here will make it very difficult for parents who are not Canadian citizens, who are not permanent residents of Canada or here in Ontario. They will have a very difficult time to get identification for their children, as I read this particular act. It requires that people know them for at least two years. Work permits are most often issued for six months to a year, student authorizations are usually from one to three years, and people who are illegal immigrants, refugee claimants or undocumented often do not have the wherewithal: people who they know are able to vouch that they are the persons so named. It is a very difficult length of time for

them; it is a very difficult proposition for them to find someone who can come forward and claim to have known them for two years.

What do you do with an undocumented child? How do you get passport for an undocumented child or for the child of undocumented parents? Sure, we know they were born here, but how does someone vouch for them to get the necessary document: a document which will be necessary sometimes for them to leave Canada with a passport; a document which will show their nationality; a document which will allow them to return at a future date.

There is a provision, and I can see it here in the act, for someone not so named for five years, but I would suggest that this is not necessarily in line with the security provisions that the minister is talking about. The five years will allow any person to come forward and say, "I have known this particular individual for five years." I don't have to tell you about the amount of fraud or perceived fraud that has gone on in the immigration department for years with documentation, people claiming to be related, marriages of convenience and all those things you've probably read about in the papers. It is a very dangerous precedent to have a relative or a friend say, "I know him or I know her. I've known them for five years and they have no professional qualification which would be at risk other than the penalties." I would ask the minister to look very seriously at this provision. They should use the professional advice of the registrar or someone else, rather than going to a person who does not have the necessary qualifications.

Having said that, I'd like to go through the qualifications. I think one of the previous speakers for drawing attention to those who are listed in the list. The list is not long enough to allow easy access. You have to remember we are trying to make this difficult for security reasons, but we also have to make it easy enough that ordinary citizens can find someone who can guarantee who they are. The list is almost the same list as that used for passports. You may remember that passport requirements were tightened many years ago when an American fugitive came to Canada, got a birth certificate for a dead child here in Ontario and then used that to get a Canadian passport and travel with it. At that same time, the Canadian government understood that it had to be tightened and went into a list of who the guarantors might be.

The guarantor list, though, is rather restrictive. It is very difficult for people, particularly those who are new to Canada, to know judges, magistrates, police officers or lawyers. There is no provision for MPP that I can read, and I have read the act several times as well. There is no provision, other than mayor, in a city for them to go to a local politician. I would remind members of the House that in a city like Toronto the mayor represents 2.4 million people; 2.4 million people might want to come to him to get a passport or a birth certificate, but the mayor could hardly be expected to know 2.4 million people.

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In the same city of Toronto there are 44 councillors, each of whom have 55,000 residents in their particular wards. The same is true in Mississauga, where there are about 55,000 residents per ward. Those same people, who might intimately know the people of their ward, might know a lot more people personally and be able to vouchsafe for them, are excluded from this list.

I can understand that in a smaller town of 8,000 or 10,000 people the mayor might be sufficient, but in a city like Toronto or Mississauga there certainly need to be more public officials available who can sign such forms. I would ask that you increase that to include, maybe by ministerial order, councillors in large cities like Toronto, possibly Ottawa, Hamilton and Mississauga, where the numbers would make it literally impossible for the mayor to play that kind of role.

I would then like to turn, last but not least, to the additional problem that may exist with the bill and it comes from a civil liberties viewpoint. I quote just a line directly from the bill. It allows that the cabinet may make additional regulation expanding that list to include others, including—this is to whom information can be released—corporations or other bodies inside or outside of Canada.

With respect, I think that many people would have a great deal of difficulty with the "outside of Canada" provision. I know we are living in an international world and that with the climate of fear and what has happened on September 11 and subsequently, there is much trading of information. But it would appear to me that unless the information is of a criminal nature—through Interpol, the FBI, the RCMP—it is better not to be given to outside bodies or agencies or other foreign governments. This has oftentimes resulted in very serious risk to people who are in Canada, either refugee claimants or people who really would be, I think, shocked and appalled that foreign governments might have information related to them if they were born in Canada and were simply using a birth certificate to obtain a passport or to travel.

I would ask that the minister look very carefully at this and exclude that particular provision from the proposed act, to leave it that the cabinet can make the information available to corporations or other bodies inside Canada. That would get away, I think, from a great many civil libertarian arguments and fears of people having their information released to those outside of Canada.

Mr Speaker, I don't even think I can speak for the whole 15 minutes that has been allotted to me. The thrust of what I'm trying to say related specifically to this act has been made. I thank you for your advice on how to make this speech. I hope that the minister will heed some of the suggestions I have made. However you rule in terms of Mr Christopherson, even if you rule that he is to have only 48 or 50 minutes, I think I'm going to leave the balance for him. Thank you very much.

**The Acting Speaker:** Comments and questions?

**Hon Mr Sterling:** I thank the member for Beaches-East York for his remarks. I want to congratulate you on

your remarks because you stayed specifically with the bill, which is somewhat unusual for this Legislature, I must admit. Quite often, members talk too much about process, too much about blame or whatever and not enough about the bill.

The two issues you raise are interesting. Number one is the issue as to who can sign as a guarantor. Normally within a piece of legislation, that kind of designation would be saved for a regulatory authority, for an order in council, so that you could expand those classifications of individuals as they were brought forward, as to people who could be included in that group. So it's my hope that we will make that a little bit clearer, as to all the people who can be involved. I take with a great deal of seriousness his proposal with regard to councillors in larger municipalities.

With regard to sharing this information with other bodies outside of Canada—and I want to hear how the members of the Legislature feel—I think Mr Crozier mentioned crossing the border into the United States, whether or not the information which we have with the registrar general should be shared with the US border crossing people directly. That's a debate we should have in this place.

**Mr Bradley:** The concern I would have, again, with a lot of the legislation that's brought forward is whether or not there are going to be the financial resources to expend to be able to deal with the new legislation that the minister has brought forward. When I see the government spending hundreds of thousands of dollars on full-page newspaper ads which are designed, in my view, and I think from the point of view of most objective observers, simply to pat the government on the back, disguised as a "thank you" to the people of Ontario but, when you look at it, spending, again, hundreds of thousands of dollars, probably over \$1 million, on full-page newspaper ads congratulating the government—

**Mr John O'Toole (Durham):** Oh, come on, Jim.

**Mr Bradley:** No, you look at it. Don't say, "Oh, come on," to me. I looked at the ads. I thought, well, maybe for once the government was going to have an ad that was non-political. Then of course you look at it and it has got the political message in it. The reason I mention that—you probably wondered. Mr O'Toole wonders why I mention that. The reason I mentioned it is I'm worried that the minister is not going to have sufficient funding to be able to implement the provisions of this bill because the government is spending so much money on what I'd call partisan advertising, self-congratulatory partisan advertising. They must have even some of the back-benchers in the government worried about this. My friend Bill Murdoch must be worried about this.

As well, I must say, I wonder if there is going to be sufficient money to implement this bill when this government is giving away over \$2 billion to the corporations of the province. When they're giving away that much money to the corporations, we know the Minister of Finance is going to be slashing. He's going to have the axe out. He's going to be slashing left and right all of the

departments. That's what I'm concerned about. I hope that was mentioned in the member's speech.

**Mr O'Toole:** I really just wanted to be on the record, first, to recognize Minister Sterling's valued contribution not just to the issue of security, but for responding to—

*Interjections.*

**Mr O'Toole:** I think it has to be on the record here: just think of a minister who's looking ahead. The OPP audit, as you know, Mr Speaker, was conducted a year ago, long before the September catastrophe. Already the minister has moved quickly. He's moving forward with recommendations; 59 of them are already done. I feel confident. I know his parliamentary assistant, the member from Brampton Centre, spoke earlier. He said basically everything that was germane to the discussion.

But I want to be very clear with the minister here tonight. I want you to stand in your place and reassure me and my constituents in Durham that MPPs who are elected by their constituents are going to be signatories or what I would call—have the authority as a registrar; I guess that's the term, a signatory. I heard you say that earlier here tonight. From what I've said previously, I have the greatest confidence in your ability.

But there's one little section here, this issue of having more than one birth certificate. I need, in your thoughtful response, to be reassured—when someone accidentally loses a birth certificate and then applies for another one, they will still only have one. But if they subsequently find the other one, they'll now have two. How are we going to deal with these little kind of regulatory issues? But at the end of the day, Minister, I know that the security of Ontario will be well looked after and—

**The Acting Speaker:** The member's time is up. The Chair recognizes the member for Brant.

**Mr Dave Levac (Brant):** I appreciate the opportunity to congratulate and thank my leader, Dalton McGuinty, for coming up with the idea to provide Mr Sterling with the opportunity to put forward a bill that we all support. So I want to thank Mr McGuinty for that opportunity. I appreciate the minister stepping forward and saying we do have a problem and we do have to correct it, because after September 11, I think all of us would agree that we must do more to safeguard the people of Ontario, and he's taken the right step to do so. I appreciate that very much.

Some of the points that have been brought out about this particular bill are that maybe, just maybe, the guarantors are just a little bit too narrow and we have to provide our citizens with the opportunity to make sure they can get their birth certificates in a quick and timely fashion.

Minister, just to share with you an observation I made, becoming an MPP, I had people offering me money in order for me to sign in order for them to get their documents. Immediately—immediately—I refused, of course, but I would hope we would take steps to make it perfectly clear that there is no loophole to provide anyone with an opportunity to charge for these services. So, Minister, on a serious note, I would hope we would take

steps to make sure it's perfectly clear that it does not cost the citizens of Ontario a plugged nickel to sign their name on a document for those people who want their birth certificates renewed. I would appreciate that, making sure that gets handled as well.

In terms of the forms that have been brought to your attention, I know the member from Brampton Centre took the opportunity to clarify something in terms of those forms, and I hope that we do review the forms to ensure that we're doing two things: first of all, making it as good as possible for the people of Ontario to get those, and also making it secure and safe.

On Bill 27, the bill that I introduced, I hope we would take into consideration that we're marrying all this information—

**The Acting Speaker:** The member's time has expired. The member for Beaches-East York has two minutes to respond.

**Mr Prue:** Just in maybe a minute, the thing that is important here with the recommendations is that there be adequate funding and that there be adequate staff. It will

take funding, additional monies, for verification of the guarantors, additional monies for verification of the documents, and all of that will require staff time. It will not make much sense to put in a bill like this where you do not have sufficient staff to verify and go after those applications which are being made fraudulently or improperly. There need to be some teeth.

I am asking you, in coming forward with what I think is a very good bill, to also look beyond that you're just passing a bill and you're going to have the same civil servants do it. You're going to need to have a great many more people in that particular department doing what is right and checking all of the documents and perhaps doing some face-to-face interviews with those who are suspect in order to make sure that this bill is doing exactly what it is intended to do, and that is to protect the people of Ontario.

**The Acting Speaker:** It being past 9:30, this House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2133.*



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		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Public accounts / Comptes publics**

Chair / Président: John Gerretsen  
Vice-Chair / Vice-Président: Vacant  
Bruce Crozier, John Gerretsen, Raminder Gill,  
John Hastings, Shelley Martel, Bart Maves,  
Julia Munro, Richard Patten  
Clerk / Greffière: Tonia Grannum

**Regulations and private bills /  
Règlements et projets de loi d'intérêt privé**

Chair / Président: Rosario Marchese  
Vice-Chair / Vice-Président: Garfield Dunlop  
Gilles Bisson, Claudette Boyer, Garfield Dunlop,  
Raminder Gill, Pat Hoy, Morley Kells,  
Rosario Marchese, Ted McMeekin, Bill Murdoch,  
Wayne Wettlaufer  
Clerk / Greffier: Douglas Arnott

**Alternative fuel sources /  
Sources de carburants de remplacement**

Chair / Président: Doug Galt  
Vice-Chair / Vice-Présidente: Marie Bountrogianni  
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug  
Galt, Steve Gilchrist, John Hastings,  
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons  
Clerk / Greffière: Tonia Grannum

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