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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 23 February 2005**

**Mercredi 23 février 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

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Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 23 February 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 23 février 2005

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### AGRICULTURE INDUSTRY

**Mr. John O'Toole (Durham):** Last night in my riding of Durham, I had the occasion to attend an information meeting at the Scugog arena. It was a meeting arranged by the Lanark Landowners' Association, along with other leaders in agriculture from my riding and, indeed, across Ontario.

Agriculture today in Ontario, and perhaps in Canada, is in crisis. The agricultural community was there in big numbers. It was the largest crowd that I have been part of in my riding with respect to this issue for many, many years. There were speakers like Randy Hillier, John Vanderspank and Merle Bowes. On top of that, we had Joe Hickson, who spoke, and Bill Hasiuk, who was moderator for the evening, and the Frews, Mr. Bert Werry, and many leaders—Anna Bragg—as well as others who are well known, not just in my riding but as leaders in agriculture in Ontario.

The issue here is low commodity prices, rising costs of production and machinery and supplies, the rising Canadian dollar, besides the issues of BSE, source water protection, nutrient management and the intimidation, almost, by the enforcement branch of the Ministry of the Environment.

Countless letters have been sent to the Premier and to the minister—the minister is here today. Minister Peters simply has not responded, and some suggest that he simply doesn't get it.

Agriculture is critical to the quality of life we've known and the quality of our families and the communities in Ontario. I ask the House to recognize the importance of agriculture in Ontario.

#### CHINESE NEW YEAR

**Mr. Tony C. Wong (Markham):** On Wednesday, February 9, about half a million Chinese Ontarians celebrated the arrival of Chinese New Year. Each year the Chinese New Year celebration falls on the date of the first new moon on the Chinese lunar calendar.

The Chinese New Year celebration lasts a total of 15 days, until Yuen Sui or Feast of the Lantern. In 2005 the

celebration lasts until today, February 23. The 12-year cycle in the Chinese calendar recognizes each of a dozen animals, and 2005 is the Year of the Rooster. People born in the Year of the Rooster—1921, 1933, 1945, 1957, 1969, 1981, 1993 and 2005—are deep thinkers, capable and talented, but they are also known to be a bit eccentric, always think they are right, and usually are.

Like our own New Year's celebration on January 1, Chinese New Year is about reflecting on the past and looking forward to the future. It is also time to spend time with one's family and honour one's ancestors and elders. The Chinese New Year's Eve gathering is among the most important family occasions of the year.

I know that many of you have been busy attending and taking part in Chinese New Year celebrations in your own communities. In China, businesses, schools and governments close for one week to allow citizens to celebrate the arrival of the new year. We don't have that in Ontario yet.

To all of my colleagues, Xin Nian Kwai Le—Happy New Year.

#### HEALTH CARE

**Mr. Cameron Jackson (Burlington):** I want to share with the House just how badly the citizens of Halton region in Burlington have suffered under the McGuinty Liberals with their mismanagement of Ontario's health care system because they have no plan to assist this province with its health care needs.

At 10 o'clock on Monday of this week, I was informed by one family—this man's wife was scheduled for surgery at 10. It was cancelled at 10 to 10 on the basis that there was not a single bed available in the hospital for once she came out of surgery. I have since learned there were five surgeries cancelled between last Friday and Monday.

At 11 o'clock, I got a phone call from a constituent of mine in Florida. Her husband had had a heart attack. The insurance company is prepared to pay all of his health care needs in Florida and pay for an air ambulance. They can't get him out of Florida because they can't find a single bed in the Hamilton area.

By the end of the day, I received a call from an ODSP recipient in my riding. Her disposable income at the end of the month is \$60. She needs a medication that is available to the people in this province if they can come up with \$175 a month to pay for their medication. We applied for a section 8 from the Ministry of Health. We

called this week and asked them, and they told us that they are now just starting to receive applications from last November. That means there is a five-month wait for section 8 applications for people in this province for their medications.

This is mismanagement. There is no plan, there are no beds, and we can thank the Liberal government for that.

### ROTARY CLUBS

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise in the House today to commemorate the 100th anniversary of Rotary International. Rotary is a worldwide organization of business and professional leaders that provides humanitarian service and promotes goodwill throughout the world, through clubs that are without political or religious affiliations and are open to all cultures, races and creeds.

The Rotary Club of Chicago was formed on February 23, 1905. Today approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs in 166 countries. During and after World War II, Rotarians became increasingly involved in promoting international understanding, and since 1945 have been actively involved with the United Nations. Rotary has made a commitment to immunize all the world's children against polio, becoming the largest private sector contributor to the global polio eradication campaign and immunizing more than one billion children worldwide.

The Rotary club motto, "Service Above Self," is demonstrated through projects that address issues such as children at risk, poverty and hunger, and literacy and violence. As all members of the Legislature are aware, our Rotary community clubs support programs for youth, international exchanges for students, teachers and other professionals, and career development.

Recently I had the opportunity to speak to the Rotary Club of Agincourt. I know my colleague and minister Gerry Phillips, Chair of Management Board of Cabinet, salutes and attests to the vital role that the Rotary Club of Agincourt plays in serving the Scarborough–Agincourt riding, and the importance of individuals such as Ajit Deshmukh, director of club services.

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In my riding of Pickering–Ajax–Uxbridge, local Rotary clubs led by Kerin Lloyd, Gordon Dyck and Tom Clarkson support projects such as Easter Seals of Durham, United Way of Pickering–Ajax–Uxbridge, and the Big Brothers of Ajax–Pickering, just to name a few.

I invite all members of provincial Parliament to join me in congratulating Rotary district governor Lars Henriksson and local Rotary clubs on their anniversary and in offering them our greatest appreciation for all they have contributed to our communities.

### GREENBELT

**Mr. Tim Hudak (Erie–Lincoln):** Greenbelt property owners and farmers in the greenbelt area will be very

upset to hear that we anticipate third reading of the greenbelt legislation tonight and a vote soon this week. Dalton McGuinty and John Gerretsen are saying on this, "Trust us; we're going to get it right," but trusting Dalton McGuinty's Liberals is like standing next to Pinocchio and hoping you don't get poked in the eye.

There are so many questions left unanswered here. The minister claims to have a large consultation, but one wonders why they have not brought forward a corrected map. We anticipate some 2,000 or so errors in that map.

Their own advisory committee called for a greenbelt agricultural support plan to help greenbelt farmers. Did they do it? No.

Their own greenbelt advisory committee called for an appellate tribunal to make sure there's a fair, transparent and science-based process. Did they do it? No.

As well, we've asked for the science to be publicly displayed. Any good scientist puts his or her science out for public review, but did the McGuinty government put out their science? No.

In fact, there is no science, beyond political science. There is no plan for greenbelt farmers. There is no plan for greenbelt municipalities. Trusting this government to get it right is like trusting one of those Enron accountants.

We're going to vote against that "greenbotch" legislation.

### MADDY HARPER

**Mr. Michael Prue (Beaches–East York):** I stand today in the Legislature to honour the contributions of a young student in East York: Maddy Harper, a 17-year-old student at East York Collegiate in Beaches–East York. Her compassion for those less fortunate led her to do something that I think many teenagers would not do, and that is to share her hair.

After deciding it was time for a change, she was determined to put her shorn blonde locks to good use by donating them to the Canadian Cancer Society, with the hopes that they would be used to make wigs for children of cancer who have lost their own hair. Motivated by a desire to do something positive amidst all of the things that are happening in our city, Maddy's act of kindness was about a year in the making and finally came to fruition when she found out exactly how to get involved with this worthy project. Not only did Maddy donate over 14 inches of her hair to the Canadian Cancer Society; she took it upon herself to create and distribute pledge packages to various people, raising over \$1,300 in pledges for the program.

Like many of us who have dealt with the anxiety of making the transition from "long" to "gone," Maddy says that the usual uneasiness that comes from the change was instead replaced by the warm feelings of following her convictions. She said, "It made me happy to know that someone could enjoy something that I've enjoyed for so long."

Like Maddy, the University of Toronto's Cuts for Cancer program is committed to making a difference in

the lives of those touched by cancer. Last year, they collected \$20,000 for wigs and over \$17,000 for the Canadian Cancer Society. The University of Toronto Cuts for Cancer is hosting their 2005 event on March 7, 2005. The hair is donated to Angel Hair for Kids, and your support is needed. Follow Maddy's lead and show that you care with your hair.

#### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. Mario G. Racco (Thornhill):** Today is budget day in Ottawa. As Parliament Hill in Ottawa fills with the bright lights of media cameras, we ask Ontario's federal MPs to remember the people of Ontario and how much they contribute to Canada's strength. Ontarians are proud Canadians. Ontario has always given its fair share to Canada, and now we are asking for our fair share in return. We need to reduce the \$23-billion gap between what Ontarians pay and what we get back from Ottawa. We need to keep more of Ontario's money here in Ontario, invested in the things that will help us to create the wealth that we and our fellow Canadians rely on.

We aren't the only ones who are asking for fairness. The Ontario Hospital Association, the Ontario Medical Association, the Registered Nurses Association of Ontario, the Ontario Long Term Care Association, the Ontario Home Care Association, the Ontario Community Support Association and the Ontario Association for Non-Profit Homes and Services for Seniors all sent a letter to Prime Minister Martin yesterday which reads, "We fully endorse the unanimous resolution of the Ontario Legislature on February 21, 2005, calling on Ottawa to narrow the \$23-billion gap in net contributions from Ontarians to the federation."

There is a \$23-billion gap between what Ontarians give to Ottawa and what they get back. Ontario deserves its fair share so that we can continue to invest in the services and programs that Ontarians value most—health care, education and transportation—so we can create the wealth that we and our fellow Canadians rely on.

#### DOCTOR SHORTAGE

**Mr. Michael Gravelle (Thunder Bay–Superior North):** As members of the House will know, last week we learned quite suddenly that all six doctors presently practising at the Geraldton Medical Clinic are planning to terminate their services in less than three months' time. While this is obviously not the kind of news that one wants to hear, I am certainly gratified by the response and follow-up that have taken place since the public notice of the doctors' decision a week ago today.

Immediately upon hearing the news, Health Minister George Smitherman spoke with me and Greenstone Mayor Michael Power to indicate that the full resources of his ministry would be employed to resolve the situation and to maintain physician services at the clinic and Geraldton District Hospital.

Since that time, Mayor Power and I have had a number of conversations and meetings with senior ministry officials to explore some of the options to deal with this on both a short- and long-term basis. This included a meeting that Mayor Power and I had with the minister yesterday, where he reaffirmed his commitment to help us meet this difficult challenge.

Thanks also have to go out to various health care providers from all across the province who have come forward to offer their help. While we are still not in a position to make any announcements regarding a firm resolution to this situation, it is reassuring to know that so many are prepared to help.

For my part, I continue to hope that at least some of the doctors in Geraldton may be prepared to show some flexibility related to their departure date. That will certainly be one of the areas that I hope to directly explore when Mayor Power and I meet with the doctors and the hospital board next week.

Regardless, I want to assure all my constituents who are impacted by this decision that solving this problem is an absolute top priority for me, for our government, as well as for Mayor Power and Greenstone council. Our focus shall remain firmly on seeing that doctors' services remain available in the Geraldton-Nakina-Longlac area.

#### MEMBER FOR GLENGARRY– PRESCOTT–RUSSELL

**Mr. Mike Colle (Eglinton–Lawrence):** I'm proud to speak to the House today about a great honour bestowed upon our friend and colleague Jean-Marc Lalonde, the MPP for the remarkable riding of Glengarry–Prescott–Russell. That honour is the Chevalier de la Légion d'honneur medal. This medal is awarded by the Order of the Legion of Honour, created by the First Consul himself, Napoleon Bonaparte, on May 19, 1802. The President of the République française is the grand master of the order. It is awarded to reward at least 20 years of outstanding public or military service.

This very prestigious medal was awarded to Jean-Marc Lalonde by the ambassador of France in Canada, M. Daniel Jouanneau, on January 20, 2005, in recognition of his 34 years of public service in Canada and for his tireless work to make Ottawa and its surrounding municipalities a full-fledged bilingual community, complete with francophone schools and a francophone hospital, like the Hôpital Montfort. This, the ambassador of the République française said, would not have been possible without the persevering efforts of such leaders as Jean-Marc Lalonde.

Jean-Marc Lalonde is most deserving of this medal, not only for the outstanding work he does for the francophone communities at home but also for his hard work in promoting Ontario in French-speaking countries. Most business from these countries, at this point, is done with the province of Quebec. Jean-Marc Lalonde is making sure that it is also good to do business in Ontario in French. Fantastique, Jean-Marc Lalonde. Quel honneur

fantastique et spectaculaire. Très bien, Jean-Marc Lalonde.

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## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Alvin Curling):** I beg to inform the House that today the Clerk received the report on intended appointments, dated February 23, 2005, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

## MOTIONS

### COMMITTEE SITTINGS

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** Mr. Speaker, I believe we have unanimous consent to put forward a motion without notice regarding committees.

**The Speaker (Hon. Alvin Curling):** Do we have consent for this motion to be moved by the member? Agreed.

**Hon. Mr. Caplan:** I move that, notwithstanding the order of the House dated June 17, 2004, the standing committee on general government may meet this week at the call of the Chair, and that standing order 74 be waived for the purposes of any such meeting.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### SANDRA LANG

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** Mr. Speaker, I believe we have unanimous consent to do a tribute to Sandra Lang.

**The Speaker (Hon. Alvin Curling):** Do we have unanimous consent? Agreed.

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** Mr. Speaker, colleagues, I rise today on behalf of the government to pay tribute to Sandra Lang, undoubtedly one of the finest professionals and one of the finest people to serve the province of Ontario.

Sandy passed away this week after a battle with brain cancer. Sandy was the first deputy minister for the new Ministry of Children and Youth Services, helping establish a ministry that would give children and youth the strongest voice in government that they ever had. This was the fourth ministry she served as deputy, the final brush strokes on a masterpiece career. Even though the job of deputy minister of children's services didn't exist

until after she retired, I know it was the job she dreamed about. So it wasn't hard to lure her back from retirement to build an organization that would support every child in Ontario, and I am very glad she did.

When it came to advocating for the rights of children and youth, Sandy would not settle for no. In fact, transferring youth justice—both phases—to the new children's ministry was a condition for her return. As everyone in this House knows, there are many battles to be waged in the course of developing new policies and shifting to new priorities. Sandy repeatedly told me to keep my focus on the children and she'd take care of the rest.

Most deputy ministers toil in relative anonymity. They're well-known here at Queen's Park and among certain organized stakeholders, but few people in the province know how much someone like Sandy has contributed to their lives. She simply got things done. We would often tease each other, in fact, on which one of us was the bold politician and which was the cautious bureaucrat.

Serving in the highest levels of civil service under NDP, Conservative and Liberal governments, Sandy delivered and implemented complex and often controversial policies. She engineered change. As Deputy Minister of Consumer and Business Services, Sandy led the process of modernizing the way government delivers services to the people and businesses of Ontario; as Deputy Minister of Health, she initiated restructuring of the ministry into a more consumer-oriented organization; and as Deputy Minister of Community and Social Services, she oversaw major reform in Ontario's welfare system.

Her greatest strength was that she embraced her team. She had a talent for surrounding herself with the best people, and as a skilled leader she was able to get the most creativity and the best performance out of those people. There was a saying among senior officials in the government: "Hide your good people. Sandy Lang is in the building."

When we established the first ministry in Ontario dedicated to children and youth, Sandy knew we would need top people, and she left us with an outstanding team. Those of us collectively entrusted with her legacy will work every day to bring that same commitment to excellence that Sandy embodied in her more than 25 years of public service.

Although she retired—again—in June, we called on her frequently for advice and planned to continue to look to her for her sage counsel. We will all miss her professionally, and we will most certainly miss her as a friend. As much as she was a strong leader, she was a warm friend. She was a wonderfully engaging person to find yourself in a conversation with. Her passion for golf and wine was legendary. She couldn't talk me into the former, but I was very lucky to taste her fine wines many times as we got initiatives through the process.

Her passion spoke to her natural tendency to be with people—talking, challenging, inspiring, but always welcoming.

We extend our warmest thoughts to Sandy's family: to her sisters and her nieces and nephews who were such an inspiration to her, and to her many family, friends and colleagues whose lives she so enriched.

I am grateful for having worked for her—with her. A Freudian slip, “for her”; you always felt you were working for her even when you were working with her, and it was a pleasure. I learned from her at what I believe was her professional peak. It certainly was mine. I am honoured to stand and recognize her outstanding career and friendship.

**Mr. Robert W. Runciman (Leader of the Opposition):** I want to offer a few comments with respect to Sandy Lang's life and passing. I will be sharing my party's time with the member from Lanark–Carleton and, if time permits, the member from Erie–Lincoln.

I have had the good fortune to serve in the cabinets of three different Premiers, and through that worked closely with a number of deputy ministers, all of them dedicated and competent people, but for me and many others, Sandy Lang stood out. She was the poster person for how a senior public servant should perform his or her job.

Sandy was not just an outstanding public servant; she was a wonderful, caring, fun-loving human being and, as the minister pointed out, one heck of a golfer. She taught me more than a few lessons in humility on the golf course. I always said it was because she used the women's tees, but of course she was just flat-out better—embarrassingly better.

I remember, when I was appointed Minister of Consumer and Commercial Relations, meeting Sandy and thinking, “This isn't going to be the most comfortable relationship”—no doubt she had similar thoughts—“this law-and-order Tory and this soft-spoken lady who specialized in the softer side of government,” but somehow we grew on each other and developed a friendship and respect for one another that lasted over the years.

Like so many others, I was devastated late last year when I was told that Sandy was terminally ill. Shortly after hearing that news, I said a few words about her and her health challenges during a debate in the House, and the very next day Sandy called to thank me. She also gave me some encouraging news: that her tumour had been recently deemed operable and that she now had at least a fighting chance to win this battle. But it wasn't to be. She did not win the battle, and that is a very difficult thing for all of us who cared so deeply for her to accept. It's one of those situations where death seems so unfair.

Sandy had worked so hard, given so much, and now, with retirement in her grasp, her hopes, dreams and plans were taken away.

To Sandy's partner, her family and friends, I want to express my deep sadness on her passing and convey the condolences of the Progressive Conservative caucus.

1400

**Mr. Norman W. Sterling (Lanark–Carleton):** I just want to associate myself with the remarks of both my colleagues to date. As you know, Sandra Lang served as my deputy at the Ministry of Consumer and Business

Services. I think that the most noteworthy part of her character was the ability to have everyone work with her to achieve the goal.

When I visited her wake on Monday afternoon, I was struck by the number of comments that I received from her friends, her nieces and her nephews about her decision to go back and head up the new children's services ministry. That was out of her drive and her love particularly for children and her focus on children.

We have said a lot of good things about her abilities in her job, but I think the most memorable part of Sandy's character that will live with me forever is that, in spite of very difficult tasks, it always seemed at the end of the day that it was fun to be with her, that there was no hostility left in the room and that everybody walked out feeling good regardless of the result. In some ways, that is a small picture of her life: that although we were sitting around talking and commiserating about her on Monday afternoon, the people in the room felt good about their relationship with Sandy and all she had done for our province, our children of our province and her many, many friends.

**Mr. Tim Hudak (Erie–Lincoln):** I wanted to add my thoughts and comments, as did my colleagues, on Sandy Lang and her passing. I had the pleasure of serving with Sandy Lang when I became the consumer and business services minister in the spring of 2002.

Members have talked about her dedication and passion for promoting Ontario wine. We saw her support for consumers in the province of Ontario. Among others, it was a pleasure to serve with her, and an honour. I also had the honour of being there upon her retirement, and I remember the room: the justifiable pride that people had in the work she had done here at Queen's Park, the sense of team she developed, the love for her that the people had who were gathered to see her off, and her excitement at the time ahead of her. Even in that short time, she returned to her true passion, as my colleague said: the dedication to vulnerable children and to youth.

It's tragic that her time in retirement was far too short, but I can say: an exemplary individual, a model deputy minister, and those of us who worked with her can just begin to understand how much she will be missed.

**Mr. Gilles Bisson (Timmins–James Bay):** I, too, as a member of the New Democratic caucus, want to share our condolences with her family and with, I would argue, the family of government that is responsible for doing all of the work that we decide to give them direction to when it comes to initiatives through this assembly and through cabinet.

It has been said that this particular individual is a person who had a passion for her work but, more importantly, had a love of life, and was able to marry those two things in a unique way. That says testimonies about her. We all know in this business that we, as politicians, and sometimes bureaucrats, take ourselves a little bit too seriously. I think Sandy understood, to a certain degree, that you need to be able to balance those two things off, because after all, we are all here, no matter what party we

are from or where in the civil service we find ourselves, for but one person, and that is the people whom we serve in this great province of Ontario, the citizens of this province. That's something that I think she remembered and brought with her all the way through her life.

I don't want to speak on the specifics of her time in the civil service. We understand as well as you, because she served as a deputy minister at the time we were in government, and I would be repeating what was said. But what needs to be said is this: a person like Sandy works all her life to do the best she can, and the best we can, to make this place—this province of ours, and this earth—a better place to live. You hope that you will be lucky enough in later life to enjoy your retirement, to enjoy the fruits of the labour of your life in putting forward whatever you did in whatever capacity. The very sad thing is that a person like this can be taken down, like many other people in this province, by a terrible disease called cancer.

We've seen it in our families, we've seen it in our group of friends and we've seen it in our communities. How many people in this province and across the world suffer from cancer? Some are lucky enough to be survivors, but from time to time, people are not lucky and succumb to this disease. It says to us, when we have a moment like this, to ask ourselves, "What can we do as human beings, not only in government but within the medical sciences and others, in order to do all that can be done to find cures and treatments for a disease like this, so that people like Sandy can keep contributing to life and enjoying life, rather than being in the situation we are now?"

To the family, we offer our condolences and we say thank you for the time she was with us. We'll miss her.

**The Speaker:** Those are wonderful tributes, and I hope we can share those with the family.

**Mr. Bisson:** On a point of order, Mr. Speaker: I want to recognize our good friends from the town of Moosonee who are here: the mayor and council. I want to welcome them to the Assembly.

I know I was supposed to see you, Speaker, but I didn't get a chance.

**The Speaker:** Not only should you come and see me, but that's not a point of order.

## ORAL QUESTIONS

### ELECTRICITY SUPPLY

**Mr. Robert W. Runciman (Leader of the Opposition):** I have a question for the Premier. As he well knows, it's difficult to ask questions, given what has preceded today, but it's our job to do that.

My question is with respect to something your energy minister announced earlier today, when he billed your new energy pricing scheme as good news for job-creating industrial users of energy. As of April 1, however, in-

dustrial power users such as Ontario's auto industry will be paying 12% more for power than they did last year.

When you were energy critic, if you can remember back that far, you said: "Rising electricity rates are making it difficult for us to both attract new businesses and keep our existing businesses here." Who are we to believe, Premier: your energy minister, who says a 12% increase in energy costs for job-creating industry is good news, or you? You are on the record as saying just the opposite.

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I know the Minister of Energy would like to speak to this.

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** The member opposite has taken certain things a little bit out of context, and I'd like to put them into some context.

First of all, we didn't say "12%"; we said "between 8% and 12%," and that is compared to last year.

**Interjection:** And what happened last year?

**Hon. Mr. Duncan:** Yes, and what happened last year? Prices went down 19% last year, even though your party and members opposite argued that under our plan, prices would skyrocket by 30% to 40%. Prices went down 19% last year. Relative to the price of electricity for large consumers when we took office, it's 1.9% higher—lower than the price of inflation. Finally, that price is for three years of transition to allow them to develop.

I was pleased when Dofasco and Inco, the largest members of AMPCO, endorsed our policy today, saying it was prudent, responsible and sustainable—something that your party has no experience with.

**The Speaker (Hon. Alvin Curling):** I want to remind members that the Speaker is this way, if you could address the Speaker. I'm having difficulty finding out to whom they are addressing questions and answers.

1410

**Mr. Runciman:** Only a Liberal would suggest that an 8% to 12% increase is good news. If it is such good news, as the minister is suggesting here, I repeat a question asked by the third party earlier this week: Why are you hiding this announcement on federal budget day? If you're so proud of this, if this is such wonderful, great news for power consumers in the province, why is it being announced on federal budget day?

**Hon. Mr. Duncan:** First of all, we are standing in the Legislature. There are reporters there. There were about 40 reporters and cameras at my press conference. So there's absolutely nothing secret about this. These are difficult issues, there's no doubt, but unlike the previous government, we're tackling them. Unlike the previous government, in our first year of office we saw a 19% decrease in the wholesale price of electricity. Unlike the previous government, we are stemming a \$100-million-a-month hemorrhage from OPG that nearly bankrupted OPG. Unlike the previous government, we're not seeing cost overruns on nuclear reactors in the vicinity of 300% to 400%.

This government is taking prudent, responsible and sustainable decisions, decisions that have been endorsed



by groups as diverse as Dofasco and Inco. We're meeting the challenge head-on, cleaning up the unfortunate mess the leader's party left behind when they left office 14 months ago.

**Mr. Runciman:** We'll see how much page space these 40 reporters get. The reality is that this announcement is being made today, federal budget day, because this is not good news for people in Ontario; is not good news for job-creating industry in Ontario.

Minister, you've made a reckless promise to close all coal-fired plants by 2007. According to the IMO, as of 6 a.m. this morning, Ontario was relying on coal for 24% of our power production. There's not one shovel in the ground now to replace that energy. We know that border states are expanding their coal power production. Massive new plants are planned for Ohio and Colorado alone. According to the Ministry of the Environment, 50% of Ontario's smog originates in the United States. Closing Ontario's coal-fired plants will leave a gaping hole of 7,500 megawatts in our own energy production.

Minister, is it your plan to close our coal-fired plants and then replace the lost energy production by importing electricity from new coal-fired plants just across the border—and their smog too? Is that your plan?

**Hon. Mr. Duncan:** Again I have to respond and put all the facts on the table. Yes, this morning—it's a cold day in February—coal plants would be firing at about 24%. On average last year, coal consumption was 18%, down from 25% when you left office.

No shovel has gone in the ground because, in spite of what they promised on Lakeview, nothing had been done when we came to office. However, I inform the House that we are going to close Lakeview on schedule in April as the first step in achieving our coal goal. Second, this party and this Premier understand that the costs associated with coal, the cost to human lives as pointed out by the OMA; the cost to children in terms of asthma—childhood asthma levels are at an epidemic proportion—is unacceptable and something we have to address. Finally, I was pleased to hear last month that the state of New York is now looking at closing some of its coal plants. I don't want to imitate Ohio or West Virginia. We need a sustainable, greener policy that will keep the energy sector vibrant.

#### ATTORNEY GENERAL OF ONTARIO

**Mr. Robert W. Runciman (Leader of the Opposition):** Again I will be going to the Premier. Most Ontarians now know that your government has difficulty setting priorities and spending scarce tax dollars in the right places. Given your recent crying-poor efforts with the federal government, can you tell us if you were aware, and do you endorse, the two-week assignment of highly paid staff in the Ministry of the Attorney General to research the best way to create a Stanley Cup confiscation photo op for the wannabe Premier, your Attorney General? Did you know about and endorse this effort?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Let me just say off the top that,

no, I was not aware of this. But I can tell you that we are working as hard as we can and in as cost-effective a manner as we can. Just to remind Ontarians: The cabinet has taken a 25% pay cut, all MPPs have had their salaries frozen, and our most senior civil servants have also agreed to have their pay frozen. So I'm proud of the record that we've established so early on of working as hard as we can in a cost-effective way for the people of Ontario.

**Mr. Runciman:** Speaker, I hope you noted that the Premier didn't comment on whether he endorsed the activities of the Attorney General. I'm told, Premier, that the average salary of lawyers working for the Attorney General is \$120,000 a year. The Attorney General's personal aggrandizement effort, in just this one case, cost who knows how many thousands of taxpayers' dollars—this, when you're going cap in hand to the federal government pleading for additional money and when your Attorney General is closing down Canada's first and highly successful office for victims of crime. Your headline-obsessed Attorney General shows more interest in outlawing a breed of dog than outlawing the breed of violent criminals shooting up Toronto's streets. Premier, when will you take control and bring this Attorney General to heel?

**Hon. Mr. McGuinty:** Let me take the opportunity to remind the member opposite about some of the things that we have managed to do thus far in government. This Attorney General has created an elite gangs-and-gun-crime task force, made up of police and crown attorneys, to help combat crime, and it is working. He has appointed 29 judges and hired 50 new crown attorneys. He has managed to convince us to do the right thing and invest an additional \$1 million in funding for the OPP's child pornography unit. He has introduced legislation on the mandatory reporting of gunshot wounds in hospitals.

Those are some of the things that our Attorney General has done, and I'm sure that he has a lengthy agenda of other things that he wishes to do. I'm sure that the member opposite is going to want to support us as we work together to make the streets of Ontario safer for all Ontarians.

**Mr. Runciman:** He also just spent thousands of tax dollars behind the Premier's back, and apparently that's OK. Premier, you just don't get it. Public safety is not about getting your Attorney General's mug on the front page of the Toronto Star, and it's not about positioning himself for your job. Public safety is not enhanced when your Attorney General takes attorneys away from prosecuting violent criminals and orders them to research how he can confiscate the Stanley Cup. Public safety is not enhanced when your Attorney General closes down the office for victims of crime. Public safety is not enhanced with your government's refusal to take on the federal government for tougher penalties for gun use.

Premier, the pattern is clear. Your Attorney General has proved himself more interested in promoting himself than in protecting Ontarians. Will you take steps to enhance public safety by directing your Attorney General

to make prosecuting criminals, not self-promotion, his top priority?

**Hon. Mr. McGuinty:** The only conclusion I can draw is that the member opposite wasn't listening. This Attorney General has provided us with more judges, more crown attorneys, an elite guns-and-gangs task force, more money for the OPP to crack down on child pornography, new legislation to deal with the mandatory reporting of gunshot wounds, and the list goes on. That is the record of this Attorney General. I'm proud of the efforts he is making on behalf of this government, but still more proud of the efforts he's making on behalf of all Ontarians to ensure that they can enjoy safe streets.

1420

#### HYDRO RATES

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Premier, Ontario industries, businesses, workers and families are counting on your government to come up with a plan for Ontario's hydroelectricity system.

Today, they thought they were going to hear that plan. What they heard instead was a one-year patch job, an indication that your government doesn't have a plan. In fact, roadside hucksters offer better guarantees on used cars than your government is offering Ontarians in terms of a hydroelectricity policy.

Premier, instead of making it up on the back of an envelope one year at a time, will you tell Ontario workers, industries and families what your plan is for Ontario's hydroelectricity system?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** Our plan is to undo the mess that the NDP and Conservative governments left in the hydroelectric system over the last 14 years.

Last year we introduced Bill 4. The member opposite voted against having a cap on the price of electricity, and then he voted against taking it off. That's no plan. Then we brought in Bill 100. We sent Bill 100, I remind the member, out to public hearings across the province. We had more than 150 delegations make presentations, and it was endorsed by all the large industry participants in the energy sector. That policy is starting to take hold.

Early last year, the member said, "Prices for electricity this year will go up 30% to 40%." They went down 19%. The member opposite wouldn't know a plan if he saw it. It's no wonder he can't see our plan. Our plan is stable, reliable and predictable, with greener electricity for all Ontarians.

**Mr. Hampton:** I think I know why the government tried to hide this announcement on Paul Martin's budget day. What became perfectly clear is that everything the Premier and the Minister of Energy have been saying since Bill 100 and before was suddenly reversed today. When major power consumers came before you and before the committee and said that the McGuinty hydroelectricity strategy was going to drive up industrial prices

by 30% to 53%, you said no. But they've shown you that that is in fact going to happen, and what you did today was slam on the brakes for a year. The question is—and I know the Premier doesn't want to answer it—where's the plan? Simply telling people that you're going to postpone something for a year is not a plan. Where's the plan for Ontario's hydroelectricity system?

**Hon. Mr. Duncan:** Like I say, that member wouldn't recognize a plan if he saw one because of the mess they left hydro in. Again, I ask the member opposite, is he happy or unhappy with what we've done today? I know that the plan we laid out in Bill 100 is being implemented today. I know that we have taken an honest, responsible position with respect to pricing. Interestingly enough, the leader of the third party has been critical about us for doing this announcement in the House when the federal budget's sitting. Do you know what happened on New Year's Eve—

*Interjections.*

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I want to hear that story.

**The Speaker (Hon. Alvin Curling):** Order. I would like to hear it too, if you would just direct your response to the Speaker.

**Hon. Mr. Duncan:** Mr. Speaker, the government Mr. Hampton was a member of announced price increases on New Year's Eve 1991, New Year's Eve 1992 and New Year's Eve 1993.

Finally, let me address this directly: The modest increases in prices that consumers have seen under this administration—indeed, a 19% decrease last year—pale in comparison to the 43% New Year's present that—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** I'd like to read what a certain Liberal energy critic said after one of those price increases. He said, "First of all, let's be perfectly clear about Darlington. I am prepared to acknowledge that the impact Darlington is having on rates is something that is completely beyond your control." Who said that? Dalton McGuinty. Dalton McGuinty said that.

Minister, this is about a plan. You know that there are five or six paper mills in northern Ontario that are being reviewed from the perspective of whether or not companies are going to close them. You know that there are thousands of jobs here at risk. You know that the mining industry has come to you and said that there is a problem in terms of hydro rates. All we're asking the McGuinty government is, what's the plan? If you think that saying, "We're going to postpone any plan for a year," is going to do anything, you're sadly mistaken. Tell workers, tell industry, tell business: What's the McGuinty plan for our hydro system?

**Hon. Mr. Duncan:** That plan is outlined clearly in Bill 100 and implemented today. I'll remind the member that we also announced the appointment of an industrial cogeneration facilitator to deal specifically with pulp and paper.

Let me ask this question: I wonder about Field Lumber, a sawmill that closed in 1991, 25 employees;

Odorizzi Lumber, Golden Valley, 1991, 30 employees; Abitibi-Price, Thunder Bay, 140 employees, 1992; Custom Sawmill, Hearst, 200 employees, 1992. The member opposite said that no mills closed; 14 mills closed under their watch.

This government is responding. This is what the member said at the time that Abitibi closed. Here's what Howard Hampton said: "My understanding is that about 112 jobs will go." We wouldn't take that approach. We've appointed someone today who's going to help us deal with that industry in a way that you didn't. Fourteen mills closed on your watch, hundreds of employees lost their jobs, and we're working hard to avoid that.

#### MUNICIPAL FINANCES

**Mr. Howard Hampton (Kenora–Rainy River):** A question for the Premier: We've heard about the one-year patch on hydroelectricity; I want to ask the Premier about another patch job. The Premier would know that northern Ontario municipalities, rural Ontario municipalities, have been very critical of your government's failure to pay your bills. Municipalities have to pick up your costs for land ambulance, rural policing, seniors' housing, social housing, child care and social assistance, and you haven't been covering your share of the bills. You've been forcing hard-pressed municipalities to raise their property taxes by 10% or 11% because the McGuinty government won't pay its bills.

Premier, what are you going to do for these municipalities? Are you going to pay your bills, or are you going to offer them a one-year patch job as well?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Municipal Affairs.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** Yes, you are correct that we had some very good meetings at the ROMA good roads conference at the Royal York these past three days. As a matter of fact, the Premier spoke to them today. It was extremely well-received.

I think the people of Ontario should know that we've set aside \$200 million in order to reconcile the 2003 reconciliation with respect to the CRF funding. As the Premier stated this morning, he is more than prepared to have our government and cabinet take a look at the other matters that they've brought up to see what, if anything, could be done about that particular issue.

**Mr. Hampton:** The minister tried this answer down at the ROMA convention, and he was booed off the stage. They told the minister to get lost.

You're talking about reconciliation; the only reconciliation you're talking about is for the year 2003. You still haven't dealt with the year 2004. If you were a tenant in Ontario, they would've kicked you out for failure to pay your bills.

What's the plan of the McGuinty government? Are you going to pay your bills to municipalities, or are you going to force them to increase property taxes by 9%, 10% and 11%? What's the plan?

**Hon. Mr. Gerretsen:** It's quite obvious that the member doesn't understand the problem. The 2003 reconciliation—

*Interjections.*

1430

**The Speaker (Hon. Alvin Curling):** Order. The member from Erie–Lincoln, come to order. Minister?

**Hon. Mr. Gerretsen:** What the member doesn't understand is that the reconciliation for the year 2003 would only be done at this time, once the 2004 numbers are known, in exactly the same way that any further reconciliation for 2004 would be done next year. That's the way it has always worked. If there's any criticism of the system at all, it's that government down there that downloaded more services on local municipalities—

*Interjections.*

**The Speaker:** Order.

**Mr. Hampton:** The minister says we don't understand. I understand the press release from the eastern Ontario municipalities, "Province Can't Fast-Talk Its Way out of Bill" and the press release from AMO, "Plan to Replace the \$650 Million Community Reinvestment Fund Appears to Leave Province's Bill Unpaid in 2004."

You've heard of deadbeat dads; this is a deadbeat government. You want municipalities to pay your bills. Social assistance, land ambulance, seniors' housing, child care, all those things that the Premier goes around the province making speeches about—you want the municipalities to pay your bill. You want to force them to increase their property taxes by 10%, 11% and 12% to pay your bill.

Stop trying to be a deadbeat. Pay your bill. Tell the municipalities—

**The Speaker:** Order. As I've stated before, I'd like questions to be directed to the Speaker rather than having a talk across the hall. Minister?

**Hon. Mr. Gerretsen:** First of all, this government is extremely proud of the very positive relationship that we've built up with our municipalities across this province, something that that government over there tried to destroy for the last eight years—and, quite frankly, were quite successful at it.

The commitment that was given by the Premier this morning was that we would once again take a look at these two years and that, if there are any outstanding bills to be paid, they would be paid to the municipalities.

**The Speaker:** Final supplementary?

*Interjections.*

**The Speaker:** You had your final supplementary. Maybe I took those questions as being discussions across, because you weren't directing the questions to the Speaker.

New question.

**Mr. Tim Hudak (Erie–Lincoln):** Back to the Minister of Municipal Affairs and Housing, who must have been at a totally different ROMA meeting than I was at yesterday. It was the farthest thing from a love-in.

Following the comments by the member from Kenora–Rainy River, the minister indicated that \$90 million of the \$200 million is for 2003 reconciliation costs.

The remaining \$110 million, Minister: Is that for 2004 reconciliation, or is it more, or is it less?

**Hon. Mr. Gerretsen:** The member is quite correct that the conference yesterday afternoon was quite successful. Ten of my cabinet colleagues joined me there, and the answers they gave to the questions were extremely well-received.

There is a concern about the reconciliation, no question about it. He's quite correct, as well, that about \$90 million is estimated to be the amount for the 2003 reconciliation and, quite frankly, nobody will know how much it is for the 2004 reconciliation until the numbers for last year actually come in. We'll take a look at it. That commitment has been given. We want to make sure that this government will continue to enjoy the excellent relationship that we have with our partners in the municipal world.

**The Speaker:** Supplementary? The member from Renfrew–Nipissing–Pembroke.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Clearly, if the minister feels that was a good reception yesterday, it only confirms what the members of the Eastern Ontario Wardens' Caucus have been saying: that this government just doesn't seem to listen. Perhaps they just can't hear what is being said.

It did not go over very well at ROMA yesterday. What they've offered is a band-aid solution that will not address the needs of municipalities in this province. They're missing a year. I would ask the minister now to admit that what they offered yesterday is a failure. It is a broken promise when they promised they would guarantee stable, long-term funding to municipalities in their election platform.

Will they admit that that is a failure, that they have broken their promise, and commit to paying the bills to municipalities in this province and in my riding of Renfrew–Nipissing–Pembroke where Warden Bob Sweet has been so articulate in getting that message across to you? Pay them today.

**Hon. Mr. Gerretsen:** As an indication of the tremendous relationship we've developed with AMO, this Legislature is going to endorse, hopefully in the near future, the concept of permanent dialogue between AMO on the MOU. The other thing the member should understand is that right now there are great discrepancies with respect to the reconciliation, and that is something that was totally and completely caused by the former government. The new system, which is fair to every municipality concerned—we're working that out with them and we're discussing it with AMO on an ongoing basis. I know that at the end of the day we will end up with a much fairer system, not only for the municipalities but for the people of Ontario.

#### CHILD CARE

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Children and Youth Services. Minister, today could actually be a good day for the child care community if your federal Liberal cousins decide to

make the announcement on child care funding and also ensure that it's going to be a not-for-profit system across the country. Not-for-profit child care, as you know, is affordable for families and provides better-quality care. I know you know this. I know you've seen the studies. I know the evidence is in and I'm sure, being an on-top-of-things minister, you know that those studies indicate non-profit is best. Last Thursday I asked you particularly to commit that all new child care spaces in the province will be not-for-profit regulated spaces that the families of Ontario can afford. You refused to give me those assurances last Thursday. Why?

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** I am looking forward to the federal budget. It seems the federal government will actually honour their commitment for child care monies, and I look forward to working with Minister Dryden on Ontario's fair share.

With respect to the honourable member's question, we never said that we would only fund not-for-profit. We have found that quality indicators are more important. We have agreed to this on a Canada-wide basis; all of the provinces agreed. Yes, one province in particular would have preferred not-for-profit, and they are free to do that in their province. Quebec also funds for-profit and not-for-profit, a model that is much touted by your party and by others as being the leaders in the country. What is important here is that quality indicators are in place, that a college of ECE, of educators, is in place to ensure that the training is appropriate for teaching our kids. That is what we are committing to, and I'm very proud of our Best Start model, which will fulfill this end.

**Ms. Horwath:** It's interesting that the minister talks about quality when the studies I've referred to indicate the best quality is found in the not-for-profit model. Nonetheless, New Democrats are not the only ones concerned about Ontario opening the child care system to big box, corporate daycare situations where they siphon off the profits to go into shareholders' pockets. The Ontario Coalition for Better Child Care and the Ontario Federation of Labour are out on a joint project across the province right now. They're holding hearings in community after community. They, too, are very troubled about the direction this government is going. Citizens across the province, in London, Dryden, Windsor, Thunder Bay, Waterloo, St. Catharines, community after community, are going to be talking to them about this concern. These extensive consultations are happening because too many families right now are on waiting lists for not-for-profit care.

**The Speaker (Hon. Alvin Curling):** Question.

**Ms. Horwath:** Will you reassure them, Minister, that today you will commit that all new child care spaces in the province of Ontario will be not-for-profit, because that's what is best in quality and that's what prevents the money going into the pockets of the—

**The Speaker:** Minister.

**Hon. Mrs. Bountrogianni:** I agree with the honourable member that there are kids on waiting lists. Child

care has been ignored for many years. I will assure the honourable member that we will have quality, regulated spaces in place with our Best Start plan. I will also assure the member opposite that most of our spaces in phase one will be wraparound child care spaces in junior kindergarten and senior kindergarten classrooms. At present, of all those who are in schools, 95% of them are not-for-profit. We don't anticipate this trend to change. But as Minister Dryden has asked all of us to monitor this particular situation, we will do so.

1440

### FOOD SAFETY

**Mr. Pat Hoy (Chatham–Kent Essex):** My question is for the Minister of Agriculture. Food safety is very important in my riding, and no less so among livestock producers. They are proud of the high-quality meat that they produce. Minister, last week you made an announcement regarding the meat processing system in Ontario. How will these changes improve meat safety in Ontario?

**Hon. Steve Peters (Minister of Agriculture and Food):** For starters, we proclaimed the Food Safety and Quality Act. The previous government sat on it for over two years and did not proclaim that legislation. We brought that forward. This new regulation is going to ensure that we have stronger, broader-reaching rules in this province. But more importantly, our rules and regulations are going to be harmonized with the federal government, and processors are going to be licensed and more regularly inspected in this province.

In the report that we commissioned, Justice Haines made 113 recommendations for meat safety in Ontario. We are moving forward on Justice Haines's recommendations. Justice Haines made it very clear: We have a good food safety system in this province but we have an opportunity to make it a world-class system. Food safety is a priority for this government and we are going to move to that world-class system.

**Mr. Hoy:** There may be those who believe the new regulation will mean that small businesses that process meat in rural communities will go out of business. What do you say to those who may fear that local butcher shops could close?

**Hon. Mr. Peters:** One of the things that we recognize as a government is that as you move forward with new regulations, there is an onus on government to assist in the period of transition. We are working very closely with the Ontario independent meat processors to implement these new regulations on small-, medium- and large-sized further meat processors and abattoirs in this province. We've also come to the table with money. We have \$25 million that is available over the next three years to assist these small, medium and large operations to meet these new standards.

As to the question of butchers, butchers traditionally receive their cuts of meat either from a further processor or an abattoir. Butchers will continue to be inspected by public health units in this province.

The ultimate goal of what we're doing and moving forward here is consumer confidence. Consumer confidence is key. It is key to ensure that we have safe, high-quality food in this province. That confidence in our meat system ultimately comes down to the level of the farmer, so the consumer knows that the farmers of Ontario do produce the highest-quality, safest food.

### FOREST INDUSTRY

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Natural Resources. You will know that yesterday mayors from across northeastern Ontario and other aldermen came to Queen's Park in order to speak out at a press conference about your decision to allow Tembec and Domtar to transfer wood from mills like Opatatika into the community of Hearst. They are speaking in one voice. They're saying that they want you to stop the transfer of wood, that the wood should stay with the communities in order to give those communities an opportunity to find somebody else who is prepared to operate a mill in their community, so they can keep those jobs for their people in the community where they belong.

My question is a simple one: Are you prepared to take the advice of the mayors of northeastern Ontario and reverse your decision and keep the wood in those affected communities?

**Hon. David Ramsay (Minister of Natural Resources):** I'm afraid the member—through lots of dialogue last week, through a late show and other questions—fails to accept the facts. The fact is, there was no decision. As I said to you, your minister in your government, Bud Wildman, set up a timber licence, under your new act, for Spruce Falls. At that time, Spruce Falls delivered wood to the Opatatika mill and to the Kapuskasing mill. Now that the company has closed Opatatika, they are free to deliver their wood to their other mill. I have no decision to make. It is not in my hands. It was a decision solely of the company.

**Mr. Bisson:** First of all, I disagree with you, and so does Bud Wildman and so do the people who drafted the act. On December 31 of this year, you signed the authorization for those companies to transfer the wood.

The mayors and others across northeastern Ontario are hopping mad, so mad that Mayor J.C. Caron, who is a moderate in northeastern Ontario, came to Queen's Park and said you should resign if you're not prepared to do it. My question to you is, if you're not going to do the right thing, will you at least do what J.C. has suggested and resign?

**Hon. Mr. Ramsay:** Again the member is confusing the two consolidations that happened at around the same time. When Domtar and Tembec switched and consolidated their operations, as you know, in both Elk Lake and Kenogami, and also in the town of Chapleau, then required me to make a change of direction of the wood flow, and I did that. But when it came to Opatatika, it's a completely different situation. It had nothing to do with

me at all. It was a decision by the company, and I wish the member would understand that.

#### PROPERTY TAXATION

**Ms. Kathleen O. Wynne (Don Valley West):** My question is for the Minister of Finance. Minister, the accuracy and fairness of property assessments are a major concern for many of my constituents, and for yours, I know. I get a lot of calls about the functioning of the Municipal Property Assessment Corp., or MPAC.

Under current value assessment, municipal taxes are a function of three things: property assessment, the classification of property, and the tax rates set by the local government. The provincial government, as the overseer of property assessments, has an important role in the process. Minister, what steps have you taken to ensure that MPAC has every opportunity to deliver fair and accurate assessments to my constituents and to ratepayers across the province?

**Hon. Greg Sorbara (Minister of Finance):** I want to thank my friend from Don Valley West for the question. It's an important one because of course MPAC, or the Municipal Property Assessment Corp., is the largest assessment jurisdiction in Canada. It's responsible for assessing some 4.3 million properties every year.

When we came to power, we heard serious concerns about the quality of the work done by MPAC. We've made a number of changes. One of the concerns we heard was that there was not enough time between the delivery of the assessment and the finalization of the assessment, so individual property owners didn't have the time to appeal their assessment or to otherwise evaluate whether or not it was fair. We changed the assessment cycle by adding six months to it, so that now assessments are done as of January 1, giving ratepayers some six additional months to consider the validity of the assessment.

**Ms. Wynne:** I'm sure that those timeline improvements and the other work you've done will ensure a smoother process. I trust that you'll continue to work with MPAC to ensure that that process is refined. But many of my constituents have a specific concern about the service they receive from MPAC when they believe that there's a problem with their property assessment. In past years, they've had difficulty connecting with MPAC representatives to discuss their concerns and difficulty getting the information they need, and they've found that the review and appeals process is very confusing.

Minister, will you update the House on the steps you've taken to improve customer service at MPAC, and will you commit to work to make the process simpler, clearer and more customer-friendly for my constituents and for ratepayers across the province?

**Hon. Mr. Sorbara:** Actually, we're well on our way down that road. Early on, within months of taking office, we appointed seven new directors to the board of MPAC to bring new energy to the leadership. But that really doesn't impact directly on customer service, and I know

that my friend from Don Valley West is particularly interested in customer service.

We extended the call centre hours. I wish I could say, "Call the number on the screen," but we don't have that quite yet. So longer call centre hours, and we're simplifying the requests for reconsideration. If a property owner thinks the assessment is unfair, the process to get a reconsideration is much simpler. I should mention as well that we're improving the on-line tracking and follow-up systems so we can hasten the reviews that are requested and give responses in a timely fashion.

1450

#### SCHOOL TRANSPORTATION FUNDING

**Mr. John R. Baird (Nepean-Carleton):** I have a question for the Premier of Ontario. I know that he's someone who cares about Ottawa. I have a bet with my friend Sterling here that he isn't going to pass the buck, that he's going to take this question himself.

Premier, the Ottawa-Carleton Catholic School Board is one of the best-run school boards in Ontario; it's perhaps one of the best-run school boards in the whole country. They do a phenomenal job of educating children in Nepean-Carleton, and they do a phenomenal job of educating children in Ottawa South.

Premier, your government is proposing a 45% cut to the student transportation budget of this school board. I'd like you to stand in your place and join me, join thousands of teachers and parents and students and the member for Lanark-Carleton, and say you will oppose this 45% cut that your own government is trial-ballooning. Will you join us, Premier?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Education would like to speak to this.

**Hon. Gerard Kennedy (Minister of Education):** The question raised by the member of course has to be taken advisedly, and I think the people with children in schools in the Ottawa Catholic—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. Minister of Education.

**Hon. Mr. Kennedy:** What I have to say is that no matter how much remuneration was given for this question, which we all observed was too much, it's fundamentally in error, the idea that somehow there is a cut being made to the Ottawa school board. In fact, we increased the funding to the Ottawa-Carleton Catholic School Board, as we did with every single school board across the province.

Furthermore, what we have to say to the parents of the Ottawa school board is the same thing we say—

**The Speaker:** Order. Minister, I'm over on this side. Could you address your comments to me.

**Hon. Mr. Kennedy:** Mr. Speaker, thank you very much. The Ottawa-Carleton parents and the board itself know very well that what we are offering is an assurance, for the first time, that we're going to have a fair funding

system. Rather than hiding it away and springing it on people and have it happen in a way that would be haphazard, we so much wanted to have the peace and stability that we put out a model there, one in which some of the Ottawa boards participated in developing. It has been out there for improvement, because unlike some of the governments of the past, we freely admit that we can benefit from consulting the community. Further to that, I will be meeting shortly with the Ottawa Catholic school board—

**The Speaker:** Thank you. The member for Lanark–Carleton.

**Mr. Norman W. Sterling (Lanark–Carleton):** The minister is leaving the impression that he is giving more money for transportation to the Ottawa-Carleton Catholic School Board. I know that last year the board received \$21 million for transportation. Will the minister say to me today that he is giving \$21 million-plus to the Ottawa-Carleton Catholic School Board this year and that's his real answer, that he is giving them more than \$21 million this year for transportation?

**Hon. Mr. Kennedy:** I'm sorry to find out that some of the perplexity in the opposition caucus is catching, because obviously they do not understand. The Ottawa-Carleton school board received additional dollars this year, as did every school board in the province.

**Mr. Baird:** For transportation?

**Hon. Mr. Kennedy:** For transportation, exactly, and in fact their increases ranged from 2% to 12% everywhere, all across the province.

More constructive people, trustees from the Ottawa board, have been in to speak to Ottawa members and the Premier. I will be sitting down with the board and with the parents, and we will be making sure that they understand well. There is a guarantee, one that could not be given under the previous governments, that there will be a fair and equitable transportation system, and we will make sure that that applies equally to Ottawa-Carleton Catholic students being transported, as it does to students in any other board across the province.

#### PIKANGIKUM FIRST NATION

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Premier, under your government, the Ministry of Natural Resources and the Ministry of Northern Development and Mines are busy working on a strategy to push mining and logging activity into the far north, north of the 51st parallel. For example, your government is negotiating the Whitefeather Forest with the Pikangikum First Nation, north of Red Lake. You want the forestry industry to have access to valuable timber. The First Nation understands that. The question that Pikangikum has for you is: Is your government prepared to pay for the eight kilometres of all-weather road so that people from the First Nation will be able to participate in the forestry activity, to have jobs and to earn an income? If they don't have a road built, they are shut out. Will you help them pay for the eight

kilometres of all-weather road so they can participate too?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the Minister of Natural Resources.

**Hon. David Ramsay (Minister of Natural Resources):** As the member probably knows, I had the pleasure of visiting Pikangikum and seeing the tremendous program we have with them, which we call the Northern Boreal Initiative. This is an initiative where we fund what we call capacity building with the First Nations up there. Pikangikum is the leader of all the First Nations in Ontario in capacity building.

What's unique about this is that the elders are driving this land use planning, which is a precursor to economic development. What you see is the young people on the reserve doing the computerized mapping, all the GIS mapping, as they start to move toward the land use planning that will lead to economic development. Part of that is deciding where roads and access will be developed. Of course, with that will be the partnership with the federal government, which has prime responsibility for infrastructure such as roads and hydro lines, and of course the Ontario government. We're pleased to always be there as a partner with them.

**Mr. Hampton:** So far, Minister, your government isn't there. The reality is, this is a First Nation that has worked co-operatively with your government. They are not opposed to mining development; they're not opposed to forestry development. In fact, they want to participate. They want to know that their people are going to have some of the jobs, that their people are going to be able to work. But they won't be able to do that if an all-weather road isn't built for eight kilometres into the community. Mining can happen, logging can happen and they will be shut out.

I ask you again: Is your government prepared to pay for the eight kilometres of all-weather road which will be necessary if the people of Pikangikum are going to be able to participate in the forestry development and the mining development that your government wants to see happen? Are you going to help pay for it or not?

**Hon. Mr. Ramsay:** I would say to the member that once this government sees a proposal from the First Nation, we will be prepared to work in partnership with the First Nation in trying to find a way to make this happen. I will work with my colleague Rick Bartolucci, the Minister of Northern Development and Mines, and my colleague the Attorney General, who is in charge of aboriginal affairs in this province, in that continued partnership we have to make sure we see economic development north of 51.

#### SCHOOL SAFETY

**Mr. Shafiq Qaadri (Etobicoke North):** My question is for the Minister of Education. It seems that hardly a week goes by without a story about the Safe Schools Act. This Tory legislation was intended to keep our kids safe,

but in classrooms around Ontario this legislation hurts many whom it was supposed to protect.

Many critics believe that the Safe Schools Act unfairly punishes children with special needs. Children with special needs are among the most vulnerable in our society. They must be treated fairly, which was not the case under the previous government. If the Safe Schools Act is targeting kids with special needs, it should be changed.

Would you be able to inform this House what is being done to ensure that the Safe Schools Act treats these and other children fairly?

**Hon. Gerard Kennedy (Minister of Education):** We certainly accept the responsibility of finishing the job that simply wasn't finished by the previous government. The Safe Schools Act is a piece of legislation, but what really matters is the safety of schools and the safety of the students and staff within them, which I think everybody would agree is a precondition to learning. You can't have success until you are able to assure parents that that exists.

In pursuit of that, we have appointed a safe schools action team, and they have been active since December. Today there was a conference of about 500 people from around the province working on various elements of safe schools. The Safe Schools Act itself, we announced today, will have a reference group drawn from all across the province so that we make sure that safety is not a slogan, not a piece of legislation, but that we know how it's working in practice. That includes what the Human Rights Commissioner has asked us to take into account, which is the unintended effects it may be having on certain parts of the school population as well as some allegations that have been made that certain student groups are being singled out. Those are all things that any responsible provincial government needs to take into account, and we will be doing that through the safe schools action team's work.

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**Mr. Qadri:** I know that the parents in my own riding of Etobicoke North will particularly be looking forward to hearing the action team's findings. When will the action team report to the government, and when will you implement those recommendations?

**Hon. Mr. Kennedy:** We are working on a plan right now that includes actions to make sure that we have, for example, intruder devices in our elementary schools that are not adequately protected and that we have anti-bullying programs in every school. Immediately after that, we are going to be holding public consultations on the Safe Schools Act. I would expect a report from the safe schools action team on the Safe Schools Act portion sometime around the fall of this year.

#### MUSKOKA WHARF PROJECT

**Mr. Norm Miller (Parry Sound–Muskoka):** My question is for the Premier. The town of Gravenhurst feels like it's being shafted by your government. It says

that the current government has been less than honourable. Five million dollars was committed by the Ontario government to their major economic development project, the Muskoka wharf project. Now your government has cut the funding in half.

Premier, this is not for somebody else; this is for you. Do you remember discussing this issue with the mayor of Gravenhurst, John Klinck? Do you remember that?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Northern Development and Mines.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** In response to the member: He will know full well that he received documentation. He attended a meeting that we arranged with the Northern Ontario Heritage Fund Corp. staff. The requests for reapplication were explained to him. They were confirmed in writing. The member knows full well why that application was re-evaluated. The other funding partners decreased the amount of funding they gave to that project as well.

**Mr. Miller:** The town of Gravenhurst feels like it is being shafted, and it is being shafted. Premier, I'd like you to answer this question. I'd like to quote from the Gravenhurst Banner this past week.

"In attempting to address the issue, Klinck spoke to Premier Dalton McGuinty at Queen's Park and left with a personal assurance from McGuinty that he would look into the issue. 'I'm sitting, waiting to see what he does,' Klinck said. 'I will be terribly disappointed if I don't hear back from him quickly.'"

Premier, you spoke with the mayor over a month ago. There's a comic in last week's newspaper showing the mayor with a long beard, waiting for your call. Can you tell me how you're going to assist the town of Gravenhurst, and when will you give the mayor your response? At least you can give him the courtesy of a response.

**Hon. Mr. Bartolucci:** The member will further know that when we removed the designation from Muskoka with regard to being in northern Ontario, there were financial opportunities that helped with the transition. So we are meeting our responsibilities.

It is very, very interesting, because the member talks about the Gravenhurst issue as one issue in isolation. The reality is that he is very, very upset with the designation of northern Ontario as we defined it in our last budget.

**Mr. Cameron Jackson (Burlington):** The Premier lied to the mayor.

**Hon. Mr. Bartolucci:** But his own leader, John Tory, visiting Muskoka, said, "It would be wrong for me to"—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. The member for Burlington—

*Interjection.*

**The Speaker:** Order. I don't need a debate. I ask you to withdraw your comment.

**Mr. Jackson:** I did not lie to the mayor. I withdraw.



**The Speaker:** When I ask for a withdrawal in the House, I just need one word in that respect. I want you to stand up and let me hear it.

**Mr. Jackson:** I withdraw. That's two words.

**Hon. Mr. Bartolucci:** In conclusion to the answer, I have to quote from John Tory, when he visited Muskoka and said, "It would be wrong for me to sit here and say that I am going to bring it back." John Tory believes that Muskoka belongs in central Ontario. He agrees with us with regard to the designation of northern Ontario.

#### HIGHWAY 406

**Mr. Peter Kormos (Niagara Centre):** To the Minister of Transportation: The four-laning and extension of the southern part of Highway 406 is critical to planning and development in Niagara region. When is that work going to proceed?

**Hon. Harinder S. Takhar (Minister of Transportation):** The design work is almost complete for the widening of Highway 406 in Thorold from Beaverdams Road to Port Robinson Road. This work includes about five or six kilometres of widening to four lanes. We are moving ahead with it, because the design work is already complete.

**Mr. Kormos:** Minister, we know the planning has been well underway and is substantially complete. You know that four-laning the southern part of 406 and extending it down to Highway 3 is critical to move development up onto the clay belt, away from tender fruit land. Can you tell the folks in Niagara what time frame the ministry will be operating under to get this important work completed?

**Hon. Mr. Takhar:** As I said before, we realize the importance of this project to our province. The design work is complete, and the ministry is working on this project. We will move ahead as soon and as quickly as possible.

#### COMMUNITY USE OF SCHOOLS

**Mr. Phil McNeely (Ottawa–Orléans):** My question is to the Minister of Tourism and Recreation. There was an announcement of a community-use-of-schools agreement with the Ottawa-Carleton District School Board. Can you tell the members of the Legislature here today about this important agreement?

**Hon. James J. Bradley (Minister of Tourism and Recreation):** The member will recall that the Premier identified a problem that existed in our schools as a result of the previous government's changing the funding formula. School boards were forced to charge very high prices for the use of their schools to non-profit groups and had to confine the number of hours. So the Premier instructed the Minister of Education and me to come up with a program, called community use of schools, where \$20 million was flowed through the Ministry of Education to school boards so they would have an opportunity to make significant changes by drastically reducing

the cost of the use of those public schools, already paid for by the people of this province, and expanding the number of hours available in places such as Scarborough and Ottawa, and right across the province.

This program has been highly successful, and very much appreciated by the communities in which we reside. My good friend Frank Klees, I know, is in favour of this as well. But the—

**The Speaker (Hon. Alvin Curling):** Thank you. That brings us to the end of question period.

#### PETITIONS

##### CHIROPRACTIC SERVICES

**Mr. Norman W. Sterling (Lanark–Carleton):** "Whereas the elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Whereas those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Whereas the elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment, at a cost to government of over \$200 million in other health care costs; and

"Whereas there was no consultation with the public on the decision to delist chiropractic services;

"We, the undersigned," some 2,000, "petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system," the residents of Lanark county, "government and the province."

I've signed that, Mr. Speaker.

1510

##### HEALTH CARE SERVICES

**Mr. John O'Toole (Durham):** It's my pleasure to introduce a petition on behalf of my riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas the Liberal government has announced that they are delisting key health services such as routine eye exams, chiropractic and physiotherapy services; and

"Whereas abandoning support for these services will place greater demands on other health care sectors such as physicians, emergency wards and after-hours clinics; and

"Whereas no Ontario citizen should be denied access to necessary medical care because of a lack of funds;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reverse the delisting of eye exams, chiropractic and physiotherapy services and restore"—at once—"the

funding for these important and necessary health services.”

I'm pleased to present this petition to Michael from Stoney Creek, formerly Brad Clark's riding.

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

“Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come.”

I agree with this petition, Mr. Speaker.

#### ABORTION

**Mr. Gerry Martiniuk (Cambridge):** I'm pleased to present a petition from hundreds of good citizens of Cambridge, addressed to the Legislative Assembly of Ontario:

“Whereas 68% of Ontarians do not support the funding of abortion on demand in our province; and

“Whereas 30 million health dollars are spent annually on abortion on demand; and

“Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

“Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

“Whereas the vast majority of abortions are done for reasons of convenience or finance; and

“Whereas the province has the exclusive jurisdiction to determine what services will be insured; and

“Whereas the Canada Health Act does not require funding for elective procedures; and

“Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

“Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario.”

I'm pleased to sign this petition, as required by the standing orders.

#### CONTROL OF SMOKING

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present a petition sent to me by Paula Kaye Enterprises—the Windjammer, in Port Colborne, Ontario. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke, and

“Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

“Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Permit properly ventilated and separate designated smoking rooms and hospitality establishments that regulate and control employee and customer exposure to second-hand smoke.”

My signature, as well, is on the petition.

#### VOLUNTEER FIREFIGHTERS

**Mr. John O'Toole (Durham):** I'm very pleased to have a number of petitions to present on behalf of my constituents in the riding of Durham.

“To the Legislative Assembly of Ontario:

“Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters in their free time and in their home communities; and

“Whereas the Ontario Professional Fire Fighters Association has declared their intent to ‘phase out’ these double-hatter firefighters; and

“Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario” and throughout my riding of Durham;

“Whereas Waterloo–Wellington MPP Ted Arnott has introduced Bill 52”—which I support—“the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That” Monte Kwinter and “the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time.”

I am pleased to sign this in support of the firefighters in my riding, and present it to Kristine from the riding of

Niagara Falls. I'm sure she, as a page, will enjoy presenting this to the table.

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead, located in the town of New Tecumseth”—Alliston—“is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I want to thank the Curiosity Shoppe for circulating that petition. I look forward to speaking tomorrow at the St. John’s United Church Alliston men’s club about this topic to save the Banting homestead.

#### ORDERS OF THE DAY

##### SPOUSAL RELATIONSHIPS STATUTE LAW AMENDMENT ACT, 2005 LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LES UNIONS CONJUGALES

Mr. Bryant moved second reading of the following bill:

Bill 171, An Act to amend various statutes in respect of spousal relationships / Projet de loi 171, Loi modifiant diverses lois en ce qui concerne les unions conjugales.

**The Speaker (Hon. Alvin Curling):** Mr. Bryant.

**Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** I’m sharing my time with the member for Toronto Centre–Rosedale, the member for Don Valley West and the member for Willowdale.

I very proudly rise to speak in support of this bill. This bill breathes equality into dozens of statutes where discrimination lay dormant, but I want to be clear what this bill isn’t and what this bill is. If this bill were somehow a vote on same-sex marriage, I would very proudly vote yes—I would vote yes to same-sex marriage—but

that is not what this bill is about. The bill is primarily concerned with bringing our statutes in line with the Charter of Rights and Freedoms. The bill seeks to update our statutes to reflect a new reality in Ontario. In a sense, as NDP leader Howard Hampton said yesterday, it is a housekeeping bill. It is. It is born out of a judicial decision, yes. I say to this House, it is also the right thing to do.

**1520**

In June 2003 the Ontario Court of Appeal upheld a Divisional Court ruling that the federal common law definition of marriage, which excluded same-sex couples, was contrary to the Charter of Rights and Freedoms. Because of the Halpern ruling, same-sex marriage is legal in Ontario and has been legal for nearly two years, and provincial statutes ought to reflect that.

Further, the Supreme Court of Canada recently, in an advisory opinion, a federal reference, confirmed that the proposed federal bill that is before Parliament right now affirming same-sex marriage is constitutional. “Extending the definition of marriage to same-sex couples is consistent with the Charter of Rights and Freedoms,” said the Supreme Court of Canada.

The court also held that the charter guarantee of religious freedoms affirms that religious officials have the freedom to perform or not perform marriages in a manner that’s consistent with their religious doctrine. The court also affirmed the freedom of religious officials to use sacred places for the celebration of marriages in a manner consistent with their religious doctrine. The court added that provincial human rights codes must be interpreted in a manner that upholds and is consistent with religious freedom under the charter.

Any Attorney General of any government of any party stripe has a constitutional and a statutory duty to ensure that the statutes and regulations of the day are consistent with the charter and other constitutional documents and doctrine. The proposed legislation, if passed, would fulfill this duty. But I also want to be clear that this government is viewing this bill as not simply fulfilling a duty resulting from a court decision. While this is, in large part, a housekeeping matter for this government, we’re doing it because we believe it to be the right thing to do. We’re committed to ensuring that all couples are treated with the same respect and dignity as all. We are committed to ensuring that all couples are treated the same, no matter where they come from, no matter the language they speak, no matter their ethnicity and no matter their sexual orientation. By amending the definition of “spouse” in these statutes, our government is helping to ensure that Ontario laws do not discriminate against same-sex couples, including those who choose to marry.

A responsible government must always seek to align its statutes and regulations with the Constitution and with the evolving constitutional jurisprudence that arises. We are seeking to do that with this bill.

Now it is for the Legislature to debate and vote upon this bill. I urge all members of this House to support it. I

am proud of this bill, and I believe it is the right thing to do.

**The Speaker:** I know you're sharing the time with three other members. The member for Don Valley West.

**Ms. Kathleen O. Wynne (Don Valley West):** I want to acknowledge what the Attorney General has said about our government's position on this bill. I feel it's important for me to speak to this bill. In my maiden speech in December of last year—I guess a year ago last December—I talked about my responsibility as a lesbian in this House to the young lesbians, the young gay men, the young people struggling with their sexual orientation outside of this place, and so I take it as a serious responsibility to speak to that issue. Although I didn't come to this House as a gay activist and that is not how I got here, I take it seriously as my responsibility to speak to issues that affect all people struggling with their sexual orientation in the province.

Although I understand and certainly acknowledge that this is a housekeeping bill to a large extent, I think we need to talk about some of the underlying issues, and that's what I'd like to do today.

So I rise today to speak in support of Bill 171, the Spousal Relationships Statute Law Amendment Act. As I said, on the surface, this bill is about updating and clarifying Ontario's marriage statutes, and, as the Attorney General has said, it updates 73 of Ontario's statutes to reflect what has been the legal reality in Ontario since the June 2002 ruling in the Halpern case that both opposite- and same-sex couples may legally marry in Ontario. That is a significant reality that we're acknowledging by putting this legislation forward. It clarifies something that has always been the case in Ontario, that faith leaders need not perform marriages to which they object on religious grounds and that faith organizations need not make their facilities available for marriages of which they do not approve. That's the legal framework that we're supporting.

It is technically both logical and necessary for our Legislature to align our statutes with the decision of the courts, and it's right for us to give a clear indication to faith leaders that it's their right to decide which marriages they will perform or allow to be performed on their premises.

But as I said earlier, I really do believe this debate has much broader significance than either of these imperatives suggests. I have to say, as I've watched the federal debate unfold, when I began to read the ink that's being poured out on this debate federally, my initial position was, "What is the big fuss?" I have been in both a heterosexual marriage and I'm in a committed homosexual lesbian relationship. To me, the tired old institution of marriage was something that we probably should be polishing up. Originally, the debate was not one that I wanted to particularly engage in, but I have to say that as the debate has continued and as it has escalated and as the issue of human rights has become clearer, as we listen to people talk about rights being taken away or people being marginalized, it has become clearer and clearer to

me that it's important and necessary that all of us who believe that this is a human rights issue and that it's the right thing to do to extend the right to marry to same-sex couples speak up on that.

I believe this debate has that broader significance, and I want to talk about some of those issues today. The last 40 years in Canada have seen tremendous progress for lesbians and gays and their rights. From Pierre Elliott Trudeau's 1967 statement that there's no place for the state in the bedrooms of the nation and his accompanying omnibus bill, to Ontario's landmark rulings of 1999 and 2003 in *M. v. H.* and the Halpern case, to the federal government's current legislation to fully legalize same-sex marriage, there has been much progress on the legal front. It's not just on the legal front, because the social progress goes hand in hand with the legal progress. The expansion of Pride festivals in Toronto, the dramatically increased visibility of lesbians and gays in popular culture, including our own politicians in the Legislature and in city councils across the country, have raised the issue and have made a dramatic increase in the openness and acceptance of lesbians and gays—in some parts of this province and this country.

This legislation does not extend new rights that did not previously exist, and we all understand that. Yet with the very fact of this open debate, this Legislature is playing an important role, I believe, in moving this discussion of gay marriage out of the closet and into the public. In voting for this legislation, we will affirm that in our eyes, individuals in same-sex couples have and deserve the same rights and responsibilities as those in opposite-sex couples. I think that's a critical piece of this debate. We're talking about rights and responsibilities.

For many lesbian and gay Ontarians, meaningful equality is not yet a reality. I put it to this House that meaningful equality for the lesbian/gay/bi-gendered/transsexual community must mean full equality before the law—that's what we're talking about today—equal benefit of the law and equal social opportunity and responsibility with other members of society. So this is a narrowly legal issue that we're discussing today, but it's part of that much broader social issue.

#### 1530

In my opinion, the broader significance of this debate lies in its role in promoting the honourable and necessary aim of meaningful equality for all members of the LGBT community. At the heart of this debate is the goal of eradicating the hatred and discrimination that are the products of homophobia, especially in our schools and among our children.

Let me share some research findings with you.

In 1989, Paul Gibson, in a study for the US Department of Health and Human Services, found that gay and lesbian youth are two to three times more likely to commit suicide than other youths, and that 30% of all completed youth suicides are related to the issue of sexual identity.

In 1990, Joyce Hunter, in the *Journal of Interpersonal Violence*, found that among the youths she studied, half

of all the youths who had been assaulted reported that the assault was gay-related. In that same study, Hunter found that 41% of the assaulted girls and 34% of the assaulted boys had attempted suicide.

In 2001, a Canadian study by Otis, Ryan, Bourgon and Girard found that among gay youth receiving supportive services, 75% had seriously considered suicide in the past month, 44% had made at least one serious attempt at suicide, and 22% had made two or more serious attempts at suicide in the past month.

At the heart of this debate is the goal of making all our communities safe for these children who feel so reviled and so alone that they're driven to try to take their lives. When I read about an incident in the paper—a bullying incident that ends in a fatality, or a teen suicide—these are the statistics that come to my mind. I ask myself, what was at the root of that bullying? What was that child suffering that he or she felt the world was such an unsafe place? I think that's a question that doesn't get asked often enough. I believe it is at the heart of why this is the right thing to do.

So homophobia is not an abstract idea. It is the fear that drives children into the closet and keeps them there as adults. It is the fear that silences family members and forces adult children to lie about their living arrangements for decades to their parents.

My partner and I run a fundraiser three times a year. It's called MAD for Dancing. It's between 200 and 400 women from around the province who come to Toronto for a dance. For many of these women, it is the only large lesbian gathering that they go to throughout the year. It starts at 7:30 and ends at 12:30, because we're middle-aged lesbians. We raise \$14,000 to \$16,000 a year for the Lesbian Gay Bi Youth Line and the Triangle program. The interesting thing about this group of women is that many of them are closeted everywhere else in their lives. They're closeted at Christmas when they go home to their families; they're closeted at the school where they teach; they're closeted at the hospital where they work. But they come to the MAD dance and they can be who they are. They can hold the hand of the person they live with.

That kind of closeted life is something that I think we need to try to eradicate. My hope is that every little step that we make in the Legislatures and the Parliaments of this country takes us closer to that goal. It's a great dance, however. That closeted lifestyle, those living arrangements—those are the things that are at the root of the pain that a lot of lesbian and gay people feel.

Homophobia can be a loud and violent fact, or it can be subtle and whispering. It's the teasing that can stop a talented young male figure skater from pursuing a dream. It's the force that creates and reinforces stereotypes. It's the norm that can convince a beautiful, vibrant, healthy young girl that she's ugly because she doesn't want to wear makeup. It's the fear that forces teenagers struggling with their own sexual orientation to be the most abusive to others, because they're trying to cover for themselves. It's the fear that forces a little boy to turn to

his mom one day and to tell her that he isn't going to wear bright colours any more, even though his whole little life he's loved those bright colours. He's figured out that that's not OK. Homophobia is the fear that forces those things.

Coming-out stories: Any of you who have spent time in the lesbian-gay community know that coming-out stories are a staple of that social interaction. They are stories of liberation, disappointment, relief, anger and pain, depending on individual circumstance.

In 1995, my partner, Jane, and I published our story in a book of stories edited by Katherine Arnup called *Lesbian Parenting: Living with Pride and Prejudice*. Here's how I started my story:

"For the first 37 years of my life I lived with all the privilege of a white, middle-class heterosexual woman. In 1991 I fell in love, changed my life and began to live in a committed relationship with another woman. I learned the meaning of heterosexual privilege in the losing of it."

I really believe that part of the reason that I feel as strongly as I do about this and am able to speak about it the way I am is that, having lived with all that privilege, I understood what it meant to be on the other side, where the privilege was denied. For me, homophobia was in the eyes of neighbourhood friends who thought I should take my three children out of the community school and move to a more diverse neighbourhood so I wouldn't have to deal with living in the north Toronto neighbourhood that I lived in. My response was, "Why on earth would I do that? My guess is that there are a few other lesbians and gays living in this area, so I'm just going to stay here"—which we did.

I'm not naive enough to believe that one debate or one piece of legislation can change the engrained notions of society; I know that's not the case. But if we can protect the right of our children to be who they are, then they will change those notions, and I believe that's already happening. It's up to us to change the laws so that the next generation can change the attitudes. We all deal with internalized homophobia. Every straight person and every gay person has internalized the norms of society. My hope is that our children will be able to change those attitudes.

Federally, this country is debating this fundamental human rights issue. Here in Ontario, we're choosing to align our statutes with the court decision on that human rights issue because, as the Attorney General has said, it's the right thing to do. It is a thing that will make communities in every corner of this province safer for all our children. Because we are doing this, no matter where children in this province live, no matter where adults live their closeted lives anywhere in this province, they will know that their government has said, "This is a safe place for you to be." That's an important thing for them to hear.

I'm proud to speak in favour of this bill. I'm proud to be part of a government that is supporting this human rights issue. I will be voting in favour.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It's with great pleasure as well that I have a chance to rise in this chamber today to take part in the debate on second reading of Bill 171, the Spousal Relationships Statute Law Amendment Act, and I think it's fair to say that I do so with a great deal of pride.

I want to compliment my colleague, my sister, Kathleen Wynne on her speech.

I'm one of those people who has been lucky enough to have an opportunity to attend Legislatures, even before I was an elected member, and to see history in the making, history that affected me in a very personal way.

As a young kid interested in politics, I had the chance to be in the Senate gallery of the House of Commons when Pierre Trudeau spoke on the Canadian Constitution.

I had a chance to be in that members' gallery on a very special day, when this Legislature, I believe in 1986, debated an amendment put forward by Evelyn Gigantes and supported by the Liberal government of the day, with a few members of the Conservative Party joining in and lending their support: Bill 7, an amendment to the Ontario Human Rights Code that read in sexual orientation as a prohibited means of discrimination.

I had the opportunity, in my maiden speech in this Legislature, from a spot back there in the corner, not so far from where the member from Cambridge sits now, to make a speech on a bill brought in by then Attorney General Jim Flaherty, Bill 5, which, not dissimilar to the bill before us today, brought Ontario statutes into accordance with the laws of the land. I was proud that our Legislature that day chose to vote unanimously in favour of that. I said that it was setting a new seat at the table for the gay and lesbian community.

I'm tremendously honoured to have a chance today to participate in a debate on a matter brought forward by my colleague the Attorney General, and I want to say to him, for his thoughtful and forceful contribution to this debate, that I'm honoured to be part of the government.

**1540**

I want to say that I'm honoured as well to have a chance to speak in front of my preacher. Now, I must be careful in acknowledging that Brent Hawkes is my preacher, because if attendance were taken there as it is here, there would be some concern about how one can make a claim that someone is their preacher when they don't go in person quite as often as they might to hear the tremendous oratory, the passion and the tremendous wisdom that Brent Hawkes brings in his role as pastor of the Metropolitan Community Church. That church on Simpson Avenue, in the riding of Toronto-Danforth, home to the member opposite, has a reputation, I think it's fair to say, as a place where a progressive, inspirational congregation does what it needs to do to make the kinds of advances, the human rights advances, that the gay and lesbian community has been much in need of over a period of time. This courageous band, a very small group of people in the grand scheme of things, has demonstrated that you can, in a certain sense, fight city

hall, that you can make the progress that's necessary for a society to evolve.

I think that is the essence of the greatness of Canada. That in this land, with a Charter of Rights and Freedoms, we have made a home for people from all over the world where we celebrate diversity and recognize it as our greatest strength is, I think, a credit to the fabric of our country.

I just want to say that I'm honoured to be here today and to have a chance to speak in the presence of Brent Hawkes, who stands out as one of the most exemplary leaders I think our country has ever known.

This bill is of tremendous importance, of course, to thousands of people across this province. It's also of considerable importance to me, a point that I think has been made by now. As a gay man, obviously I'm very proud of a bill specifically designed to remove the last hurdle in provincial law to equality for gays and lesbians. That word, "equality," is one that I rely upon a lot. It is the human rights issue that is at the heart of this debate. It's based on a fairly simple principle. It is that principle on which I operate on a daily basis: that my sexual orientation ought never to be a ground to suggest in any way that I'm unequal to any other member of this House or to any other citizen of our country. That is the principle that is found at the heart of our Canadian Constitution, our Charter of Rights and Freedoms. I'm proud of a bill that is designed to enable us, as a province, to do the right thing.

Make no mistake: That is exactly the point here. If passed, this bill will make amendments to some 70 Ontario statutes that at present are inconsistent with court decisions informed by the Charter of Rights and Freedoms that give same-sex couples the right to marry. These are statutes that are inconsistent with the law.

It has been legal for almost two years for same-sex couples to marry in Ontario. This is something that gives me tremendous pride in my province and in my country. More than 1,000 gay couples have been married in that time, happily and proudly joining the millions of other couples in this country who have come together in love and asked nothing more than society's blessing of that union. In this province, we do bless that union, regardless of the sexual orientation of the people who are involved. If I may say it again, that is something that gives me tremendous pride in our province and in our country. I'd also have to say that I know of no marriage anywhere that has been weakened or damaged as a result of the marriage of any same-sex couple that has occurred.

Bill 171 would do nothing more than make easier that which has already been made legal. It would simply, if passed, secure ground that has already been won and that will never again be ceded. The term "spouse" would be expanded to legally include same-sex couples who are married or live together in conjugal relationships outside of marriage. In other words, same-sex couples would henceforth be treated with the same respect and dignity accorded to opposite-sex couples.

If anybody really has a problem with that, I have to ask myself what that problem could possibly be. How, in our land, can equality be a problem?

I know there are those here who fear that religious officials might somehow be forced to perform marriages that are inconsistent with their religious beliefs. I wish I could find the words to permanently dispel this fear, because it is groundless. The fact is that the Charter of Rights and Freedoms—the same charter that gives same-sex couples the right to marry—gives religious officials the right to perform only those marriages that they wish to perform. The Supreme Court is very clear in their opinion on this. Religious officials cannot be forced to overrun their beliefs. The same charter that protects us protects them.

But over and above the legal protection that exists in this regard, there is another protection that I believe in many ways runs even deeper. The gay community has nothing but the deepest respect for the Charter of Rights and Freedoms. It is a document that has allowed us to take our place in society, proudly and without fear. The last thing in the world we would ever dream of doing is deprive another group of the rights and freedoms that it enjoys under a charter that we hold so very dear. How could anyone believe we would then turn around and hypocritically abuse it? We would not.

Gays and lesbians in this province want nothing more than to enjoy the respect and dignity that comes with being equal under the law. They want nothing more than to enjoy the respect and dignity that comes with being equal in the eyes of their fellow citizens. We have already won the first battle, and the second battle is being won as we speak. The bill we are debating in this House today is really a recognition of both those things. I'm very proud to stand behind it and recommend that other members do so as well.

**Mr. David Zimmer (Willowdale):** Mr. Speaker, I may be sharing my time with the member from Perth-Middlesex.

It's my pleasure to rise today to speak in support of the proposed spousal definition legislation introduced by the Attorney General yesterday afternoon. This bill illustrates the McGuinty government's steadfast commitment to ensuring that same-sex couples in Ontario are treated with the same respect and dignity as opposite sex couples.

More than 70 provincial statutes will be amended with the passage of this bill, redefining "spouse" and removing such terms as "same-sex partner," "husband," "wife," "widower" and "widow." These terms will be replaced with a gender-neutral definition of "spouse." Under this legislation, the term "spouse" will serve to define all couples in these and all future statutes.

Some people may question why this government is now deciding to take such action. The reason is quite simple: The Attorney General has introduced this bill because it is the right thing to do; it is the necessary thing to do. The Ontario Court of Appeal ruled in June 2003 that the current definition of marriage—that is, being

exclusively between a man and a woman—was unconstitutional. That's the law of the province since June 2003.

The Supreme Court of Canada, in December 2004, at the request of the federal government, rendered its opinion that same-sex marriage is unconstitutional and that the Charter of Rights and Freedoms guarantees the freedom of religious officials to perform marriages and use their sacred places in accordance with their religious beliefs.

Surely the ruling of the Ontario Court of Appeal and the opinion of the Supreme Court of Canada offer a clear, reasoned and rational signal for the need for change in Ontario to bring our laws into compliance. Since the first of these rulings by the courts almost two years ago, the reality is that more than 1,000 same-sex marriages have taken place in Ontario. Yet the provincial statutes applying to these couples remain out of date, out of sync and, more importantly, they remain unconstitutional. Logically, then, we must amend these statutes to reflect the current status of the law. All Ontarians, no matter who they are, must have the comfort of knowing that, without question, they are fully recognized and fully protected by the laws of Ontario.

Some people may take issue with this initiative and, indeed, with the whole idea of same-sex marriage. They are entitled to their opinion—that is what a free and democratic society is all about—so long as those opinions do not come at the expense of others.

**1550**

Those who would politicize this issue do so for just that: to politicize it. But that is not the issue before the House today. We are being asked simply to formalize in our statutes in the Ontario statute books what the highest courts of the province and the highest court of the land have said should be the case—indeed, what is the case.

I think we can all appreciate that same-sex marriage is not some abstract, conceptual notion to be debated upon ideological lines. The issue is purely and simply a matter of rights, the fundamental rights impacting everyday lives of very real people: all of us, straight and gay—people we know and work beside every day, our straight friends, our gay friends, straight members of our family, gay members of our family. That is why the passage of this legislation is so significant.

I want to take a minute now and just answer for the record a few of the questions that have been posed about the effect of this legislation. In no particular order, these are some of the questions that I'm asked on a regular basis, and I expect many members of this House are asked on a regular basis, just to set the record straight.

What is the definition of "sacred place" in the legislation? This concept of a sacred place is an important one. Well, the term "sacred place" in this bill is the term used by the Supreme Court of Canada in its decision on the federal marriage reference. "Sacred place" is defined in the bill to include "a place of worship and any ancillary or accessory facilities" connected to the place of worship. I think that's important for everyone to understand.

Another question that's often asked of me and members of this House is: What is the effect of this bill on religious organizations, and in particular, will religious groups affiliated with religious organizations, such as the Knights of Columbus, be protected from having to rent their facilities to same-sex couples in the proposed legislation? The answer to that question is that the proposed legislation protects religious officials and sacred places in relation to the solemnization and celebration of same-sex marriage. This means that only religious officials registered to perform marriages under the Marriage Act are protected. It does not contain protections for non-religious officials or non-sacred places. But section 18 of the Human Rights Code protects certain organizations that are formed to serve the interests of a particular group of people, including members of a particular religion. If a group falls within section 18 of the code, the organization may be allowed to restrict access to the services or facilities to members of their group. This protection existed before the Supreme Court decision, and it continues to exist today. However, where an organization makes its services or premises commercially available to others outside its recognized group, it must do so without discrimination.

I understand that in a British Columbia case the Knights of Columbus have since posted a policy restricting access to their facilities and services to members of their religious group. We understand that this kind of restriction would be permissible under the Human Rights Code and would protect the organization from a discrimination complaint, as long as the group remains within section 18 of the code. Ultimately, it's up to the Ontario Human Rights Commission and tribunal to determine whether a group is protected under section 18 of the code.

Another question that is often asked of members of this Legislature is, "What is the effect of this bill on civic officials?" that is, officials who perform marriages. As I've noted earlier, there have been over 1,000 marriages of same-sex couples here in Ontario. The fact of the matter is, we have not heard of any problems or complaints involving the authorities that performed those 1,000-plus marriages.

Secondly, as we know, where municipalities provide services, they must provide these services without discrimination. The most important obligation of a municipality in this context will be to provide seamless access. This means that a same-sex couple seeking a civil marriage must receive the same level of service as any other couple seeking a civil ceremony. Delays, waiting lists and other unusual procedures that may in some way suggest they are not being treated with the same level of respect is unacceptable.

Whether or not a particular individual has a right to refuse to perform a marriage based on that employee's religious beliefs will depend upon the circumstances of the case and the ability of the municipality to provide services free of discrimination. Under the Human Rights Code, employers are already under an obligation to

reasonably accommodate the employees' religious beliefs.

I think this is the framework against which services have been provided in Ontario since 2003, and we anticipate that this will continue without any problems, because the fact of the matter is, as I've said earlier, in the last two years there have been somewhat over 1,000 marriages performed and, happily, the much-anticipated difficulties and problems and rancour have just not occurred.

This is a tribute to the people of Ontario. It is a tribute to the civil servants here in Ontario. It is a tribute to all persons of all religious beliefs, whatever they are, and it is, in fact, a tribute to everyone here in Ontario, no matter what their ideological beliefs on this issue are. The fact of the matter is that in over 1,000 same-sex marriages, the much-vaunted infighting and row just hasn't taken place. This is a tribute to the people of Ontario, it's a tribute to the members of the court, and it's a tribute to the members of this Legislature who have approached this legislation in a sense of fairness for all our brothers and sisters, no matter what their personal, cultural, religious or sexual beliefs are. For these reasons, I'm happy to support this legislation.

**The Acting Speaker (Mr. Michael Prue):** Further speakers?

**Mr. Gilles Bisson (Timmins—James Bay):** Questions and comments.

**The Acting Speaker:** No, I understood that it was being—it's not being split?

**Mr. John R. Baird (Nepean—Carleton):** It's finished.

**The Acting Speaker:** Oh, it's finished. OK. Excuse me. I just assumed the chair. Other questions or comments.

**Mr. Jerry J. Ouellette (Oshawa):** I'm pleased to be here, and I appreciate the opportunity to rise and speak on Bill 171.

As an elected official and member of this House, I've tried to operate to the best of my ability, without prejudgment, in a fashion of respect, fairness and honesty, and I think all members would appreciate that. I try to treat others in the same fashion as I would be. A good week for me is such that it includes church and prayers on Sunday but, as all members who contribute in this Legislature know, it's very difficult to achieve that each and every Sunday.

The AG's remarks started off stating that this bill was not about same-sex marriage, yet the third paragraph in the opening specifically states that the law in Ontario and the Legislative Assembly recognizes the right of same-sex couples to marry. That's somewhat contrary to his specific remarks about the fact that it's not about same-sex marriage, because obviously it mentions it.

**1600**

The member from Don Valley said that a lot has been done on this agenda. In essence, that is the concern: This is not a beginning or an end but a midpoint on some agenda. As federal Justice Minister Anne McLellan stated in 1999, "Let me state again for the record that the



government has no intention of changing the definition of marriage or of legislating same-sex marriages.” She went on to state, “I support the motion for maintaining the clear legal definition of marriage in Canada as a union of one man and one woman.”

It’s for that reason that this legislation has been brought forward, because of a decision made by the courts, and it’s for that reason that a lot of the churches I spoke with yesterday afternoon, last night and this morning do not believe that the protection is there.

I know I’ll get time later, but I want it clearly stated that I believe the definition of marriage in Canada should remain as a “union of one man and one woman, to the exclusion of all others.”

**Mr. Bisson:** I want to add my voice in support of this legislation. I’ve been in this House now for 16 years—other people have probably been here longer than me—and this is the third time we’ve had a vote in this Legislature on similar issues. Three times I voted in favour.

I found that the public is further ahead than politicians on these issues. Quite frankly, I think most of society understands that as society develops and as time goes on, attitudes within society change and we need to change some of our practices. What’s happened here, clearly, is that the courts have spoken to what is in our charter. The government is doing the right thing. They’re doing what needs to be done in order to make sure that our laws are in sync with what the courts have done. The federal government will deal in due time with the definitions and other issues.

I just want to say to members—especially the newer ones who just got here and worry, “What does it mean for me if vote in favour?”—that it was a humbling experience in 1994, the first time this issue came to this House and I voted in favour of extending benefits to same-sex couples. I was worried, coming from a northern constituency, that all kinds of people were going to be worried, that I would be “shoosted” out of office, as they say. Do you know what? The public got it. The public understood. Those people who were opposed to it said, “Listen, you took a principled position. I don’t agree with you. You at least listened to what I had to say and at the end of the day you took a decision and we respect you for it.” In the election that ensued, not once did somebody come up and give me a hard time over that issue.

Again, in 1999, when Mike Harris brought similar legislation to the House, I voted in favour, along with all Conservative and Liberal members of the day. Basically, the public got it. They said, “Listen, you’ve got to do what’s right by way of the courts and by way of people’s fundamental rights when it comes to the charter.” I will do the same in this vote.

I say to those who are opposed: I hear you, I understand your argument, but society moves on and we need to move on with it.

**Ms. Judy Marsales (Hamilton West):** I’m indeed proud and pleased to be able to stand, and particularly to be a member of a government demonstrating leadership by removing another barrier to equality. What is equality,

after all, if it’s not equal and if it’s not equal to all? Are some less equal?

In my church, St. Joseph’s in west Hamilton, we have a terrific priest named Father Jim Volk. Every Sunday, Father Jim teaches us to love and celebrate our family, friends and neighbours. He teaches us to be inclusive of all people, all races, all cultures, all religious beliefs and, yes, all members of our community regardless of sexual orientation.

If our responsibility as legislators is to build a better Ontario, it seems to me that it is equally our responsibility to teach respect and equality, not selective respect and certainly not selective equality. Let us take a lesson from Father Jim. There is no room for discrimination in our Ontario. Love comes in all shapes, all sizes, all colours and, yes, all definitions—all acceptable and all acknowledged. As our Premier has said, we can be a beacon of light by demonstrating to others the measure of our strength of character when we stand up for our fellow Ontarians.

As a teenager, I had a funny rocket ship, a transistor, that I used to have to attach to a heat register to beam in sound. My son now has an iPod. Our vision of life has been enlightened in so many ways. Let us be a light and a beacon for equality, and let us move forward the dynamics of human interaction. Yes, I favour this change of definition of the word “spouse.”

**The Acting Speaker:** Response?

**Hon. Mr. Bryant:** I want to thank and compliment our own members—there only gets to be one wrap-up, of course—the member for Don Valley West, the member for Toronto Centre–Rosedale and the member for Willowdale for their speeches. I can’t possibly do justice to them in this wrap-up. I thank the member from Timmins–James Bay for his supportive comments, and also for your eloquent comments, I say to the member from Hamilton West.

To the member for Oshawa, I would say this: You take issue with the preamble. The preamble is declaratory of the law of Ontario as it has been since June 2003. The provincial government, the provincial Legislature, the province of Ontario: No province has the constitutional jurisdiction to legislate on capacity to marry. It is the federal common law that was amended by the Ontario Court of Appeal. It is the federal Parliament that is, in a statute, defining “marriage,” and it is only for the federal government to give or take away when it comes to the capacity to marry.

In that sense, the preamble is not creating any new rights where there were none. It is, rather, declaratory and recognizing of the reality in the preamble of the state of the law in the province of Ontario. That’s in the preamble, which is of its own different effect, I know, as the member knows. That is the intention of the preamble, simply to provide some broad recognition of the facts, realities and law right now.

The bill then goes on to deal with all the consequential amendments as a result of the Halpern decision in June 2003. I respect the member’s democratic right to take

issue with and question the preamble. I would say to the member that that is the pith and substance of the preamble: that it is declaratory of what is the law of Ontario right now, and that the province continues not to have the jurisdiction to legislate in the area of capacity to marry.

**The Acting Speaker:** Further statements?

**Mr. Baird:** I'm pleased to rise today in support of equality and in support of this legislation. I would first like to thank the Attorney General and members of his staff, both his political staff and his ministry officials. In this Legislature, it's far too often too partisan and there's not enough inter-party work to brief members of the opposition, to listen to their concerns and to hear what they are saying, and then to come back with further thoughts. That doesn't happen enough in this place, and perhaps it should.

The first issue I'd like to address is the responsibilities between the federal government and the provincial government. I was reviewing some of the debates in this place on this particular issue, and I recall an opportunity where former Premier Harris was questioned on the separation of responsibilities. He said, in answer to a question by the leader of the third party:

"Here's what the province of Ontario does and can do legally. We are responsible for who will marry: a registered clergyman or others if we—there is a consultation process looking at who, for example, can marry. Just who has the capacity to enter into a marriage is under exclusive federal jurisdiction." In that course, the then Premier said, "We take direction from the federal government." That is clearly laid out in sections 91 and 92 of the Canadian Constitution; "They have exclusive jurisdiction over who can enter into a marriage."

Clearly the federal government has that exclusive responsibility. The legislation before this House, which I support, does two things. To quote a former Attorney General, who spoke to a similar bill some five or six years ago, and who is still in this House, he said he was proposing a comprehensive response. He said, "A comprehensive response is necessary to protect the constitutionality of many of the public statutes of Ontario." He was referring then to Bill 5, which this Legislature discussed and debated and passed.

#### 1610

In many respects, that's what half of this bill before us does. It simply gives voice to a judicial decision that was not appealed by either the federal or the provincial governments. The provincial government, I suppose, would have had very little cause to appeal it. Its only intervention in the Halpern case was to say that this was a federal issue, and the court agreed. When you win, you don't have much grounds to appeal.

The second issue of this piece of legislation deals with the protection of religious officials. This is not an easy issue. Some have said that the charter is enough, that we don't need to address this issue in Ontario statutes. That may be the case. For some, it may not. In the reference case to the Supreme Court by the federal government, the

Supreme Court basically said that this is a provincial issue. This is for provincial Legislatures to confer.

I was struck by a conversation I had with a friend of mine who is a lawyer, who appeared in London recently. The judge explained to him, "Well, the Legislature wasn't clear on this. It should have been clearer." I think, far too often, we in government—on both sides of this House, on the opposition side and government side; the government benches have been somewhat of a revolving door in the last 20 years, where different parties take their turns on that side of the House. I have every expectation that will continue into the future, so I expect that will continue to change.

Government and Legislatures too often aren't clear and aren't specific when they pass legislation. They use language which is far too ambiguous and which gives too much authority—it sort of shuffles off the responsibility to the courts to decide what it means. So I want to compliment the Attorney General for listening. I know he listened to his own education and thoughts on this issue and listened to many of us. Certainly those of us in the official opposition wanted something more explicit in legislation. I used the example that it was using a belt and suspenders, just so that it was crystal clear.

That second issue in the bill is contained in section 18, which I'd like to read into the record:

"18.1 (1) The rights under Part I to equal treatment with respect to services and facilities are not infringed where a person registered under section 20 of the Marriage Act refuses to solemnize a marriage, to allow a sacred place to be used for solemnizing a marriage or for an event related to the solemnization of a marriage, or to otherwise assist in the solemnization of a marriage, if to solemnize the marriage, allow the sacred place to be used or otherwise assist would be contrary to,

"(a) the person's religious beliefs; or

"(b) the doctrines, rites, usages or customs of the religious body to which the person belongs."

It goes on further to define "sacred place." There was a concern about whether you needed to define "sacred place." Some suggested the sacred place would refer only to the sanctuary of a church. What about the church hall? What about the associated facilities? The government has defined "sacred place" as including "a place of worship and any ancillary or accessory facilities." The church that I grew up in, Bell's Corners United Church, runs a co-op building for seniors. Now, I think that that clearly wouldn't be covered by this statute. They do have a church hall adjacent to the sanctuary, and it certainly would be my expectation that this would be covered. But that church would have the ability to make its own decision.

In the case of the United Church, they don't have a problem with this issue, but other denominations have different views on this issue. I don't agree with them, but I respect people of faith and people who hold profound religious values which inform their decision.

I noticed this in the Globe and Mail this morning, on page A11, after this bill got first reading, and I'll read into the record:

“The Ontario Confederation of Catholic Bishops yesterday commended the Ontario government for protecting the rights of religious officials by not compelling them to perform same-sex marriages.

“One area of particular concern to the Catholic bishops is the use of church property, said Tom Reilly, the group’s general secretary.”

He ends with, “This bill clearly provides this protection and the Ontario bishops accordingly support it.”

I am not Roman Catholic. My own church has different views on this. But clearly the leaders of the Catholic faith in Ontario appreciate not just including it in legislation, but defining the words “sacred place,” which is something I certainly support. I think it helps to have that protection there. It certainly addresses one of the significant concerns that some had with respect to this equality issue.

This legal decision we’re giving force to was written by three people, among whom is included Justice McMurtry. Roy McMurtry is a former Attorney General in Ontario. He served as Attorney General for 10 years and is generally regarded as one of the best attorneys general in Canadian history. He played a key role in the patriation of the Constitution—flaws and all. It should have contained property rights in the charter, but it didn’t. But he’s a thoughtful man.

He ran for the leadership of the Conservative Party. I was a 15-year-old delegate to that convention, and despite that some would charge me with being a neo-conservative later on in life, I supported Roy McMurtry on the first ballot, before he fell off. One of my friends tried to explain that as a youthful indiscretion. Some young people get involved in trouble, but I look back at that and I certainly don’t regret that decision. Another former Attorney General by the name of David Young was also a youth delegate supporting Mr. McMurtry. We had fun reminding Justice McMurtry of that fact.

The heart of the McMurtry decision in Halpern was contained in paragraph 2. It simply said, “This case is ultimately about the recognition of human dignity and equality.”

I would be remiss if I didn’t say that some of my constituents in Nepean–Carleton may not accept that decision, but I want to be very clear that their member does.

**The Acting Speaker:** I didn’t hear you were sharing your time.

**Mr. Baird:** I apologize. I would like to share my time with the member for Oak Ridges, the member for Whitby, and the hard-working and diligent member for Oxford.

**Mr. Frank Klees (Oak Ridges):** I will be voting against this bill, and in doing so I will be registering my strong opposition, first, against the process that has brought us to this place where the Legislature of this province is now enacting legislation that is driven, not by the members of this House but by a decision of the courts, rendered by an unelected, unaccountable judiciary.

I will be voting against this bill because contrary to what some may be suggesting, I do not see this legislation as a mere housekeeping document. This legislation is in fact historical, because it is stripping every statute of this province of terms that I and millions of Ontarians have considered a cornerstone of our society—terms such as “husband,” “wife” and “widower”—never again to be seen in our statutes.

I’m voting against this bill because the term “same-sex partner” is being stripped from provincial legislation, a term first incorporated into provincial statutes in response to another court decision in *M. v. H.* As the chief government whip at the time, I recall well the debate that took place over that legislation, and the writing and re-writing of that legislation. That was directed by the courts at the time as well. But we were very careful to ensure that the traditional definition of marriage was, in fact, retained.

**1620**

There are those who would compare that legislation, Bill 5, to this legislation that is before us today. Nothing could be further from the truth than to suggest that this legislation is similar.

Bill 5 confirmed rights and responsibilities to couples who chose to commit to a conjugal relationship, be they gay or lesbian. Bill 5 conferred those rights and responsibilities to “same-sex partners” as a specific term. Bill 5 was explicit in ensuring that the definition of marriage was a protected definition as “the voluntary union for life of one man and one woman, to the exclusion of all others.”

This legislation, in fact, extends, in provincial statutes, a definition of marriage that has not been so defined by the federal government but has been handed to this Legislature by the Ontario Court of Appeal. Even those in this House who agree with that definition also agree that it is the federal Parliament that has jurisdiction over the definition of marriage. That is the reason that this very issue is currently being debated in the federal Parliament.

It’s for that reason that I maintain that this legislation is pre-emptive in timing and should rightfully come before this House only after the federal Parliament has fully dealt with this important issue.

I’m voting against this bill because, while it contains a provision stating that religious officials are not required to solemnize a marriage, it does not provide the same protection for public officials who may also object to presiding over a solemnization for personal, cultural or religious reasons. I believe that such protection is the right of every public official in this province and should, in fact, have been included in this bill.

I’m voting against this bill because, while it provides for the protection of what is referred to in the legislation as sacred places for solemnizing a marriage or for an event related to the solemnization of a marriage which may be contrary to the religious beliefs of the official or the body associated with that facility, this legislation does not clarify how those sacred places will be defined. This

leaves many organizations and owners of facilities open to what may prove to be costly and extended legal proceedings with undetermined consequences.

Finally, I'm voting against this bill because I strongly object to the following reference in the preamble of the bill: "The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry."

I strongly object to the reference to the Legislative Assembly in this section of the preamble. This Legislative Assembly has never had this question before it. It is not within the jurisdiction of this assembly to even debate that issue, as was admitted by the Attorney General. It has been stated many times that this matter is for the federal House to decide, and that is why Bill C-38 is before the federal Parliament. It is presumptive and indeed disrespectful of this assembly for the Attorney General to have included that reference in this bill. I would respectfully request that it be removed before the bill comes forward for third reading.

In closing my remarks, let me state clearly that my comments today should not be interpreted as wanting to deny anyone their rights or their dignity. On the contrary: I'm asking that the rights of every Ontarian be respected. Gays and lesbians who commit to a conjugal relationship should share equally in the rights and responsibilities with heterosexual couples.

During this debate, I have heard members speaking about meaningful equality. I want to advocate as well for meaningful equality, an equality that is based on mutual respect, a respect that honours the rights of those who have held the traditional definition of marriage as sacred and considered their rights that they have celebrated for generations denied. Stripping the meaning of the word "marriage," redefining an institution that has been the cornerstone of our society throughout the ages, is fundamentally wrong, and to do so, strictly in response to the decision of a panel of three judges, is in itself a contradiction of what I believe every Ontarian believes that their parliamentary system is all about. It is now up to the members of the federal Parliament to reclaim their rightful role to determine the law as it relates to marriage.

This Parliament will pass this legislation. I believe it is wrong to do so. I look now to my federal colleagues to reclaim the right to make law and to define marriage in its traditional sense.

**The Acting Speaker:** Further speakers?

**Mr. Jim Flaherty (Whitby-Ajax):** In the brief time allotted to me to speak to this bill, may I make the following three points:

Firstly, this bill does not deal with the definition of "marriage." The definition of "marriage" is within the exclusive constitutional jurisdiction of the Parliament of Canada. Regrettably, this government bill includes in the preamble the words, "The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry."

Since the definition of "marriage" is within the exclusive jurisdiction of the federal Parliament, the reference in this bill to the Legislative Assembly recognizing the right

of same-sex couples to marry refers to a matter which is ultra vires, which is beyond the powers of this Legislative Assembly and therefore should not be in the bill.

As a member, and as the former Attorney General who brought forward Bill 5, the M v. H bill, in this House in 1999, creating equal rights in Ontario statutes, I was consulted about this bill that's before the House, which is to the government's credit. I also consulted about Bill 5 in 1999. After reviewing this bill, when we saw it, I did ask, as others did, that the words, "and the Legislative Assembly of Ontario" be deleted from the preamble, and the government chose not to do so.

As I support the traditional legal definition of marriage as "the union of one man and one woman, to the exclusion of all others," I cannot support this bill with its inaccurate and ultra vires statement that the Legislative Assembly recognizes the right of same-sex couples to marry.

Secondly, I will speak about the intention of the Legislature, as expressed in this bill, with respect to the guarantee of freedom of religion. This bill deals with minority rights, including minority rights relating to those who practise religious faiths. It is clear that this legislative area is within the exclusive constitutional domain of the provinces and, furthermore, that it is the responsibility of the provinces to legislate in a way that protects religious officials and property.

In the federal government's reference case to the Supreme Court of Canada, the court in its reasons stated as follows, "We note that it would be for the provinces, in the exercise of their power over the solemnization of same-sex marriage, to legislate in a way that protects the rights of religious officials while providing for the solemnization of same-sex marriage."

I also note the caveat expressed by the Supreme Court of Canada in reference to the guarantee of religious freedom in section 2(a) of the charter and in the following words used by the court, "Absent unique circumstances with respect to which the court will not speculate...."

We are in uncharted waters here, so it is with that in mind that I will try to express the intention of the Legislature with respect to changes that have been made in the bill. There is no doubt that this bill will pass, given the government majority. There's no doubt also that the bill will be considered in our courts subsequently, and the courts will seek to discern the intention of this Legislature. My comments are meant to make that intention plain.

The bill, as originally drafted, failed to provide adequate protection for religious officials and religious property. I, among others, urged the government to include specific protections so that it would be absolutely clear that the intention of this Legislature is to protect absolutely the right of all religious officials to refuse to solemnize a same-sex marriage or to allow property used by the religious organization to be accessed for purposes relating to the same-sex marriage.

The draft bill was amended by the government—appropriately, in my view—to clearly and expansively protect the rights of religious persons and the use of religious property. For example, the draft bill failed to contain a definition of “sacred place.” It now includes the definition, “‘Sacred place’ includes a place of worship and any ancillary or accessory facilities.” This is meant to include not only property used for religious ceremonies, but also property used by religious organizations in connection with their faiths. For example, the legislative language is intended to include properties such as church halls and other spaces connected with religious bodies or used by religious congregations. The intention of the expansive definition which has been given to the term “sacred place” is to broadly protect property used or accessed by religious bodies. The intention is to protect religious organizations from challenges to their freedom of religion with respect to the use of their properties and facilities.

### 1630

Thirdly, I’ll comment briefly on the mantra which is repeated often these days, including in this place, to the effect that, “The courts have changed the law. It is a matter of rights. Therefore, Parliaments, whether federal or provincial, must obey and must fall in line.” Some even say that these are rights that have been determined by the courts, and therefore legislators should be silent. These comments, in my view, reflect a misunderstanding of the origin and contents of the charter. The charter includes section 33, the so-called notwithstanding clause, as well as specified rights and freedoms.

The charter would not exist today were the notwithstanding clause not a part of the charter. A parliamentary override clause was the sine qua non for the acceptance of the other charter provisions during the federal-provincial constitutional discussions for the creation of the charter. The Premiers of Manitoba, Saskatchewan and Alberta—and they were from different political parties—all insisted on the inclusion of the override, which is the notwithstanding clause. These Premiers did not want public policy determined by non-elected people.

Parenthetically, I thank the legislative library research officers, especially Philip Kaye and his colleagues, for their excellent research paper on the issue of the notwithstanding clause.

Judicial comments on the notwithstanding clause include recognition of the respective roles of the courts and the federal and provincial Parliaments. Both have roles, and they are meant to balance each other. For example, I’ll quote Mr. Justice Sharpe, who is now a justice of the Ontario Court of Appeal; I believe he was a trial judge when he wrote this. He was one of the co-authors of the biography of Chief Justice Brian Dickson. He said this:

“The notwithstanding clause recognizes that elected legislators have a constitutional role in defining an appropriate balance between the rights of the individuals and the interests of society at large. With the notwithstanding clause, the charter creates a check on the

power of both legislatures and the courts. On the one hand, the charter significantly curtails legislative power by conferring a broad mandate upon the judiciary to protect fundamental rights and freedoms. On the other hand, the court’s power is also restricted through the inclusion of the notwithstanding clause. Taken as a whole, section 33 ensures that no one has the last word. Even if the notwithstanding clause is invoked to overcome judicial review, the five-year sunset ensures that the issue will have to be revisited by a differently constituted Parliament or Legislature after an election in which the people can hold accountable their democratically elected representatives. The net effect of the section is to achieve a subtle and effective check on both legislative and judicial power.”

The use of the notwithstanding clause does not overturn a court decision. Instead, a five-year hiatus takes place before the issue will have to be revisited by the relevant Parliament. The notwithstanding clause has been used by Quebec, Saskatchewan and Alberta. The courts have little choice with respect to timing of cases and decision-making, but Parliaments do, by use of the notwithstanding clause, creating that five-year hiatus.

I raise this matter of the notwithstanding clause because, in my view, it should be used selectively and with restraint, as was intended originally, to give our society time for reflection and debate. This is especially so when fundamental societal change is contemplated. This is so with respect to the definition of “marriage,” which is a matter of exclusive federal jurisdiction. In my view, it would be wise for the federal Parliament to invoke the notwithstanding clause to permit such reflection and debate for a period of five years. In this regard, I have had the benefit of reading the open letter to the prime minister by Aloysius Cardinal Ambrozic, the Roman Catholic archbishop of Toronto, published in the *Globe and Mail* on January 19, 2005, in which he urged the Prime Minister to, among other things, make use of the notwithstanding clause to permit a five-year period of national discussion. I agree with this recommendation.

In summary, the definition of “marriage” is exclusively within the jurisdiction of the federal Parliament. The preamble to this bill reflects a purported conclusion reached by the Legislative Assembly of Ontario with respect to the definition of “marriage,” and is therefore unacceptable to me, because it is beyond the power of this place to do so. I disagree in any event.

We insisted on expansive definitions being put into the bill to protect freedom of religion, religious officials, religious organizations and their property. These were incorporated into the bill to reflect the intention of the Legislature. The charter includes rights and freedoms as well as the notwithstanding clause; the charter would not have been created were it not for the notwithstanding clause. The use of the clause is wise where fundamental social change is contemplated, to allow a five-year period of reflection, thought and debate. This is such a matter, and the federal Parliament, with exclusive jurisdiction, should do so in this case.

**The Acting Speaker:** Before I recognize the next speaker, there are a number of conversations on this side of the room. I would appreciate that we pay full attention.

**Mr. Ernie Hardeman (Oxford):** I rise today to raise important questions on the bill up for debate. Any bill which amends 73 different Ontario statutes—statutes that were all passed into law by past and present members of this Legislature—deserves significant discussions and questioning.

The proposed bill, the Spousal Relationship Statute Law Amendment Act, 2005, will amend any and all statutes that contain the term “spouse,” “spousal,” “marriage,” “marital,” “husband,” “wife,” “widow” and “widower.” This bill removes any reference of gender, along with any gender-specific language, from Ontario law. In its place, it will use the term “spouse,” which will now include opposite-sex couples and same-sex couples who are married or who live together in conjugal relationships outside of traditional marriage.

The charter and past court rulings clearly state, as was stated again by our Attorney General today, that it is a federal matter to determine the definition of “marriage.” This is clearly set out as a responsibility of the federal Parliament. It is our job as provincial legislators to deal with the solemnization of marriage, and I support the effort to ensure that our various religious freedoms and rights are protected.

I’m also pleased to report that John Tory has urged members of our caucus to vote according to our own consciences, unlike the Dalton McGuinty members, who will be whipped to vote in support of the government of the day’s bill despite their own consciences or beliefs. My colleagues and I have been encouraged and are free to vote how we choose, to best represent the views of our constituencies.

A little history: Until recently, Canadian law and Canadian society took it for granted that marriage was an opposite-sex institution. The definition of “marriage” which has been consistently applied in Canada comes from an 1866 British case which holds that marriage is a union of one man and one woman, to the exclusion of all others.

In a similar light, former Supreme Court Justice Gérard La Forest, speaking on behalf of four judges in a majority in the Egan decision, the last case where the Supreme Court addressed the definition of marriage directly, famously said the following:

“Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate reason transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.”

I point out again, this is what the Supreme Court of Canada actually said.

Many say that same-sex marriage is a fundamental right, and I reply: If same-sex marriage were a fundamental human right, we’d have to think of the implications. If same-sex marriage is a fundamental right, then countries such as the United Kingdom, France, Denmark, and Sweden are human rights violators. These countries, largely under left-wing governments, have upheld the traditional definition of marriage while bringing in equal rights and benefits for same-sex couples. It’s interesting that no national or international court or human rights tribunal at the national or international level has ever ruled that same-sex marriage is a human right, nor has the UN or any other recognized coalition organization.

**1640**

The Liberals have spent years repressing free speech rights for independent political organizations, from the Canadian Federation of Independent Business to the Canadian Taxpayers Federation, that might want to speak out at election time. They have consistently violated property rights and have clearly put the rights of criminals ahead of law-abiding citizens. The Liberal government has ignored the equality rights of members of minority religious groups in education, even after international tribunals have demanded action—the very same tribunals that have never once stated that same-sex marriage is a human right.

Ontarians and Oxford county residents know that their cultural values could come under attack if this law is passed. They know that we could see disputes in the future over charitable status for religious or cultural organizations that oppose same-sex marriage. New Ontarians, many of whom have chosen Ontario as a place where they can practise their religion and raise their families in accordance with their beliefs without interference, know that these legal fights will limit and restrict their freedom to honour their faith and their cultural practices.

The institution of marriage is a central and important institution in the lives of many Ontarians. It plays an important part in societies worldwide. In this light, I’ve heard from hundreds of my constituents, who overwhelmingly urge me to do whatever I can to help maintain the traditional definition of marriage. I have received hundreds of personal letters, e-mails, faxes, phone calls and personal visits. I’m quite sure that each and every member here in this House today has received them as well. Overwhelmingly, these communications have been from constituents urging me to help maintain the definition, as defined by the Supreme Court of Canada, that being “of one man and one woman.”

From the Toronto Star today, Mr. Bryant was quoted this morning as saying, “Same-sex marriage is part of the fabric of Ontario life.” Mr. Bryant, I would like to welcome you to come to speak to the constituents of Oxford county, as they have been quite clear regarding their thoughts. My office could surely coordinate such a visit by our honourable Attorney General.

This bill does not directly change the definition of marriage, as that is clearly within the federal jurisdiction.

This bill is to do with the solemnization of marriage and, more importantly, is in response to the Supreme Court ruling. The Supreme Court has essentially said that we must enact this legislation. I do have some significant concerns regarding the pending changes of such a fundamental aspect of our society. I'm increasingly concerned about the implication this change will have on our religious faith communities and service and charitable organizations. Most religious faiths traditionally have upheld the belief that marriage is a child-centred union of a man and woman, whether Catholic, Protestant, Jewish, Hindu, Sikh or Muslim. We have already seen a Catholic Knights of Columbus hall challenged before the BC Human Rights Commission for refusing to grant permission for a same-sex wedding reception on church-owned property. We've seen civil marriage commissioners in British Columbia, Saskatchewan and Manitoba who have religious and philosophical objections to same-sex marriage removed or threatened to be removed from their position by their government. We've heard the federal Minister responsible for Democratic Reform saying that such employees should be punished or fired. We've seen the federal Minister of International Trade saying that churches, including the Catholic Church of Quebec, have no right to be involved in such a debate. I read with interest in today's Toronto Star that under this proposed amendment civil officials can be forced to perform same-sex marriages regardless of their personal, spiritual or religious beliefs. Mr. Bryant's comments on this are very concerning.

There are things that can help protect these fundamental freedoms. We can help ensure that no religious body will have its charitable status challenged because of its beliefs or practices regarding them. We can help ensure that beliefs and practices regarding marriage will not affect the eligibility of churches, synagogues, temples or religious organizations to receive the same protection and benefits afforded to them today. We can help ensure that no religious leaders will be forced to perform a practice to which they object.

I rise today to encourage my colleagues on both sides of the House to work together and do whatever it takes to ensure that these necessary protections in this bill are put in practice and into law, knowing that this bill will be passed, but not with my support.

I would like, if I might, to share the time that's left with my esteemed colleague from Oshawa. Thank you very much, Mr. Speaker, for giving me that time, and thank you again to the House for listening to me.

**Mr. Ouellette:** Again, I very much appreciate the opportunity to speak on this, because I have such a strong passion for it, as do so many individuals on all sides of this issue.

As I was stating earlier, the concern of many groups—the churches I was in yesterday and the churches I was in this morning and last night—is that this is not a beginning or an end but a midpoint. The concern brought forward to me by the secretary of the Canadian Conference of Catholic Bishops was that they anticipate

a court challenge on this issue. They are hoping that this legislation—although they haven't had a full opportunity, to my understanding—is going to contain all the protections they are looking for and will be utilized in support of them when that court challenge comes against them. To quote the statement by the Canadian Conference of Catholic Bishops, "The Catholic church will continue to celebrate the sacrament of marriage as the union of a man and a woman. We expect freedom of conscience and religion to be respected by federal, provincial and territorial governments, so that no one is compelled to act contrary to his or her beliefs."

As I was stating earlier, whether it was the Baptist church or the Pentecostal or any of the denominations I was in, in the last number of days, the belief is that the legislation has been brought forward due to actions in the courts and that the courts are going to be deciding this issue at a later date. They have strong concerns that the legislation that has been brought forward today is not going to protect all their needs, or have the ability to do that. Marriage commissioners, as was pointed out to me today, will not be protected in their ability to determine, based on religious beliefs. They also inquired regarding the implications for education and their ability to teach in their schools and what would happen there. There was no response, according to what was passed on to me, when they asked for support and specific guarantees within the legislation when it was being brought forward.

I have contacted the individuals in my riding. I have listened to the churches, to the individuals. In the past, I have treated people from all facets of life with respect, and I expect to be given the same treatment. Today, I just want to emphasize that my belief is that the definition of marriage in Canada should remain as "the union of one man and one woman, to the exclusion of all others," and I endorse Mr. Flaherty's position to move forward with the notwithstanding clause on a federal basis to ensure that people have the time to reflect on the full implications of this legislation.

I thank you for the opportunity to speak today.

**The Acting Speaker:** Are there questions and comments? The member for Toronto—Danforth.

**Ms. Marilyn Churley (Toronto—Danforth):** Thank you, Mr. Speaker. I'll have an opportunity to speak on this bill a little later.

Listening to a number of the members from the official opposition, the Conservatives—I guess I would have a whole different take on it. I want to quote from Libby Davies, who is an NDP member of the House of Commons. She said what I found to be a very interesting thing about what this means: "People are worried about losing their sense of tradition. Rather than MPs fuelling and exploiting that fear, we have a responsibility to tell Canadians that this is not about fear. It is not about something ending. It is about something beginning."

I really like that, because it encapsulates for me what this is all about. There is nothing fearful about this. There are people getting married in Ontario, and there have been since the ruling. The world hasn't come to an end.

All my married friends—I admit, I’m not married. I’m living in sin, and proud of it. All my friends who are married continue to be married. It’s happening already. As the Attorney General said yesterday, it’s become a part of the fabric of our society. It’s happening every day.

It’s unfortunate, in my view—I suppose it’s human nature—that this housekeeping bill that’s being dealt with today is being used as a platform, in some ways as the last kick at the can. This is it, folks. These are the statutes that need to be changed and have needed to be changed since the decision that was made—what?—three years ago. So that’s what this is about today.

1650

**Ms. Laurel C. Broten (Etobicoke–Lakeshore):** I’m pleased to join in the debate on second reading of Bill 171 and I’m proud to stand and speak in support of the removal of the last hurdle in provincial law to substantive equality for gays and lesbians in Ontario.

I’m also pleased to be part of a Legislature that will, if this legislation is passed, put an end to the discriminatory practices in our provincial laws, which unfortunately at present are inconsistent with court decisions under the Charter of Rights and Freedoms which gave same-sex couples the right to marry almost two years ago.

This bill protects rights and freedoms and celebrates diversity. It also protects religious freedom and religious officials, who cannot and will not be compelled to perform marriages against their religious beliefs. All of these rights and freedoms arise out of our Charter of Rights and Freedoms, a charter in which I believe so strongly and of which all Canadians should be so proud, but a charter that does not allow you to pick rights and freedoms. You cannot pick and choose which ones you will allow.

I want to close by commenting on the comments about whether we are losing or gaining and make a comment that my marriage and my relationship with my spouse is my most treasured relationship in my life. My husband Paul, as I’ve said in this Legislature, is my biggest supporter, my confidant, my best friend. Our wedding day almost 14 years ago was a day of celebration upon which we look with fondness and upon which we’ve since built a life together. I’m proud to stand in support of a bill which provides nothing more than for all couples to enjoy the same privileges and receive the same recognition of their love and partnership as we have.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I too am pleased to stand today and join this discussion and debate with regard to Bill 171. The preamble to this bill implies that this Legislature has debated and passed legislation granting same-sex couples the right to marry by stating, “The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry.” As this assembly does not have the authority to decide who may or may not marry, that sentence should be removed. The authority to decide who may or may not marry is at the sole discretion of the federal government.

I believe in the traditional definition of marriage as being the indivisible union of one man and one woman, to the exclusion of all others. I hold this belief because of my deeply held religious convictions.

I am, however, pleased that in response to myself, colleagues of mine and others, religious officials will be afforded protection from being forced to perform same-sex marriages. I’m disappointed that the same protection will not be afforded public officials. I also have concerns that we will not be able to guarantee that protection even though we’re writing it in this bill. There will be challenges to a religious official’s right, because of their beliefs, to choose not to perform the solemnization of a same-sex marriage, and that I do have some concerns about. Their rights could be challenged in a further court case down the road. I can’t predict the future. I’m glad that provision is in there, but I do have my concerns about them being able to uphold that. I believe the protection should be afforded to public officials as well.

**Mr. Bisson:** I was listening to some of the comments made by my friends and colleagues in the Conservative caucus. Some of it is based on their belief and faith, and I understand and respect that. I understand that’s something that is very much a part of people. But I want to remind people that there are gay people in all churches, and that they too, in those churches, have religious beliefs that are very deeply felt and are very much a part of their daily lives. Something inside me doesn’t feel right when we try to base this debate strictly on the issue of religious belief, because there are people on both sides of this issue who are very spiritual, who live their religion and their faith every day, who want to go to church and worship and who want to feel welcome when they walk into that church to worship with their brothers and sisters in that particular congregation.

I’ve had conversations with people, as I’m sure all of you have had with people in your communities, who are gay and who are people of faith. Some of them are very disturbed by some of the comments that have been made—I’m not saying this about these particular members—by some people within our community who try to couch this as if it’s an us-and-them kind of thing and those people with faith can only take one position. The reality is that, as in society, we have many people who have many different beliefs within the church and outside the church, and I want to remind people of that.

I also want to say again that I really believe the public is further ahead than are we politicians on this issue. If we look at the polls and at the anecdotal experiences we’ve had in our ridings, the public understands this far more than we do. We, as politicians, and the media make this out to be a huge issue when, quite frankly, the public is saying, “Move on. The courts have decided. We understand this. It’s somewhat controversial for some people but we need to move on.” I think we should sometimes listen to the public a little bit more closely than we purport to be listening.

**The Acting Speaker:** There are now two minutes for response.



**Mr. Klees:** I appreciate the opportunity to listen to some of these responses.

With regard to the comments made by the member from Timmins-James Bay, I want to make it very clear that I agree that people in this province, in this country, anywhere, certainly should have the rights, freedoms, liberty, dignity and respect, regardless of what they choose in terms of a lifestyle, in terms of how they decide to commit to each other, whether it be in a heterosexual relationship, whether it be a gay or lesbian relationship. Mutual respect should be the foundation of how we view each other in this society, certainly in this province.

I think what we're saying, and it's certainly my view, and many hundreds of thousands and millions of people would share this view as well—I can say to the member from Timmins-James Bay—that it's a function of respecting each other. No one wants to take away anyone's rights, but let's also consider the rights of those people who, for centuries, have considered the traditional definition of marriage a cornerstone of society and the foundation of their family.

Why would we not want to respect and allow those people to have their traditional definition of marriage, and at the same time afford the rights and responsibilities of a conjugal relationship to gays and lesbians who choose to make that commitment? But let's not interfere with that traditional definition of marriage. That is at the heart of this debate. I would ask that we consider this debate on the basis of that mutual respect for meaningful equality.

**The Acting Speaker:** Time for further debate.

**Mr. Peter Kormos (Niagara Centre):** Speaking not only on my own behalf but, as well, as the justice critic for this NDP caucus, I can tell you that this caucus is united in its response to this legislation, and that when any one of the members of this caucus speaks to this bill, to this matter, they speak of course for themselves, but they speak as well for New Democrats here at Queen's Park, across the province and across the country.

**1700**

Look, this is Canada, and it's fundamental that in Canada the rule of law prevails. I believe in that very much. I have been to places in the world where that isn't the case, and I have read, just as you have, about even more places in the world where that isn't the case, where the rule of law does not prevail. If you go to those places, or if you read about them, you visit with and read about people who on a daily basis struggle and struggle to the point of giving their lives in the pursuit of a system wherein the rule of law prevails.

The law in the province of Ontario has been very clear with respect to so-called same-sex marriage since June 2003. The law has been very clear. I'll read you very briefly the summation by the Court of Appeal panel, led by Chief Justice Roy McMurtry, and the court applying the law there, because this talk about judicial activism—what a crock. The Halpern decision wasn't a case of judicial activism; it was a case of a learned panel of

jurists applying the law. The law that they applied was, amongst other things, section 15 of the Charter of Rights and Freedoms. This panel of jurists applied the law. That's what we expect our judges to do. That's what they're paid to do. That's what they should be doing. This court applied section 15, part of the Charter of Rights and Freedoms, which I recall being adopted by federal Parliament. I recall the national pride upon the occasion of the repatriation of the Constitution, and the pride, as Canadians, that we had a Charter of Rights and Freedoms that was adopted by Canadians not just for the generation of Canadians who adopted it but for their children and grandchildren as well.

We expect our courts to apply the law. First the divisional court, and then a very august panel of the Ontario Court of Appeal applied the law. Quite frankly, the federal government—a majority government; Prime Minister Chrétien at the time—made a political decision in response to the June 10, 2003, judgment of Halpern. Prime Minister Chrétien—again, it was a majority government—made a political decision to not appeal that decision. It was also a legal decision, because I haven't heard any criticism of the quality of the judgment in Halpern. Nobody has suggested that somehow that court, that panel, erred in applying section 15 as they did, or that they went beyond their responsibilities. Surely, if there were any doubt with respect to an error on the part of that court or an inappropriate conclusion on the part of that court, it was the prerogative and responsibility of the federal government to appeal it. It didn't.

The law has been clear in this province since June 10, 2003. I don't want to disappoint the Attorney General, but he's not exactly blazing a new path here. This is, quite frankly, old news. It's old news. Bill 171 simply permits the statutes of Ontario to reflect what the law in Ontario is and has been since June 10, 2003—end of story. In that regard, it bears the most remarkable, not just similarities but parallels, to Bill 5, the response to the decision of M. and H., which was introduced in October 1999. It was October 27, second and third reading—introduced a few days prior. This House unanimously adopted Bill 5, with second and third reading on October 27, 1999, because it was already the law of the land. To not have permitted the statutes of Ontario to reflect the law of the land would have been downright irresponsible on the part of this chamber, this Legislature, and its members.

Look, the rule of law is precisely that. By gosh, I know as well as anybody, having been some time ago a member of a government caucus and for so many other years a member of the opposition here, that laws have their critics. I know that laws have those who wish it weren't the law. That's one of the realities of living in a democracy with an independent judiciary. Let's be very careful about the proposition from those who would want a Legislature to be able to override the Charter of Rights and Freedoms, just as I say we should be very cautious about the arguments that would eliminate the independence of the judiciary by telling them that they are not to apply legislative standards, to wit, in this instance section

15. Understand what that argument embraces and the dangers that it poses.

I hear the criticism as regularly as you do, the resentment of folks out there that the Charter of Rights and Freedoms is available to people charged with criminal offences. Yes. I understand that. But if the rights and freedoms in the Charter of Rights and Freedoms are going to be true rights and freedoms for all—and again, it doesn't require Canadian citizenship. The mere having set foot on Canadian soil gives you those rights and freedoms. If it doesn't apply to everybody, it doesn't apply to anybody. You can't pick and choose who is going to have those rights and freedoms that are contained in the charter. You can't pick and choose; I don't care if you don't like it. It's your right not to like it. But you can't pick and choose who has rights and freedoms; otherwise you risk emulating societies and countries that adopt apartheid as the norm and as an expression of positive values—how perverse.

I know, because along with other New Democrats, we met with leadership from within the clergy, the faith community, and those people expressed their concerns—as a matter of fact, I remember meeting with the last group. It was the very morning that the Supreme Court of Canada reference decision was coming down. We had no idea what the Supreme Court of Canada was going to say about the application of the Ontario Human Rights Code to clergy in the province of Ontario. But New Democrats assured those clergy people that we understood and would fight for their right as religious leaders and as clergy people within religious communities, to not be compelled to marry people when the marriage of those people conflicted with the teachings or standards or values of that specific religious community. Then, lo and behold, the Supreme Court of Canada, in a very interesting direct and indirect way, suggested that there already are rights for clergy people in place, and, in particular, section 18 of the Ontario Human Rights Code, which effectively exempts churches, places of faith, faith communities and their clergy from the application of the Ontario Human Rights Code. This bill, not inappropriately, sort of supersedes that protection with an amendment to the Ontario Human Rights Code, section 18.1, which is very, very specific. If there were any doubt about the applicability of section 18 of the Ontario Human Rights Code, it certainly would be cured or clarified by 18.1.

**1710**

Similarly, it left no doubt about what the exemption applied to. It applied to not only those clergy people of whatever faith, but also to the utilization of their—yes, you've heard it before in this debate—sacred places, “sacred places” meaning not just the place of worship, not just the place where people might attend to participate in the marriage ceremony, but, look, it means the church hall. It means the temple hall. It means the place attached to and associated with that faith operation that that faith may not necessarily worship in, but that they use to celebrate events in.

So not only is that supersized—as I say, the section 18 exemption of the Human Rights Code by the amendment section 18.1—but the Marriage Act is amended as well. Section 20 of the Marriage Act is amended, which is the section that creates the powers of clergy people to perform marriages. Once again, it repeats basically the same thing, that these clergy people can't be compelled to marry people if it should be at odds with their faith position.

Amongst other things—and I appreciate that Canada may not be at the front of the pack when it comes to dividing church and state—one of the important things to understand when you have a country that guarantees religious freedom is that part and parcel of achieving that religious freedom is, yes, to ensure a separation of church and state.

New Democrats were more than prepared to advocate for and, yes, support clear legislation that says to clergy people of all faiths that you're not going to be compelled to marry, let's say, a divorcee. I was nominally raised as a Catholic, and in the Catholic Church for a long time—I suppose it is more the exception than the rule now—divorced people can't marry. So nobody is going to be telling Catholic clergy that they've got to marry divorced people. It's their right, because it offends the rules of that faith.

I want to make reference briefly, because others certainly have, to the preamble in the legislation. The preamble—it's been quoted correctly—says: “The law in Ontario and the Legislative Assembly recognize the right of same-sex couples to marry.” Well, that's not an extraordinary statement at this point in time. It's simply a truism. That is the law in Ontario, determined by Halpern.

Surely this Legislature has a responsibility—and again, whether you personally like it or not, whether you find it offensive or not, whether it rattles your particular little cage or not—you've got a responsibility as a Legislature, in my view, if we're going to believe in and live by the rule of law as a Legislature, as members of this Assembly, to say, “Yes. We endorse the law as it exists.”

I should indicate to you, Speaker, before you catch me short, that every member of this caucus wants to speak to the bill. But in view of the time of the day, certainly Ms. Churley from Toronto—Danforth, our leader Howard Hampton from Kenora—Rainy River and hopefully Rosario Marchese from Trinity—Spadina will have a chance to get comments in.

M. and H. became law. The statutes were amended so as to comply with the law that had been established in the province, the common law, and this bill too, if it passes—I suspect it will; it seems there is all-party support for it—will amend those statutes so that they comply with the law. Then perhaps we can move on to dealing with issues that cause seniors to worry about not being able to live in their own homes in their retirement years. Then perhaps we can move on to talk about restoring hydro to public ownership so that hydro remains affordable, not just for homeowners and domestic consumers, but for

industry as well, and we can move on to talk about rebuilding the education system so that every young person in this province gets the best possible education. I look forward to that.

I want to make something else very clear—it has been said, and I adopt it and say it again—and that is that this province, this provincial Legislature, or any province, doesn't have the jurisdiction, the capacity, to define the capacity to marry. That's within the prerogative of the federal government. But our courts, the Ontario Court of Appeal, sure as heck has got the legal capacity to establish the law as it applies to the federal government. I want to make it clear: Even if this bill were not to pass, I'm telling you, folks, there are going to be same-sex marriages in every city, town and village, lawful ones, across this province, because that's the law of the land whether the bill passes or not. Whether or not the federal legislation that is currently before the Parliament, Bill C-38, passes is irrelevant to the common law of Canada, the law of the land that says it is a violation of section 15 to tell same-sex partners, couples, that they cannot obtain a marriage licence.

I digress. I read Bill C-38 and note the very careful reference, for instance, to civil marriage as compared to, let's say, religious marriage. I note the inappropriate effort on the federal government's part to provide rights for clergy not to marry, because that's exclusively within the provincial jurisdiction. But I tell you, I look forward to seeing federal parliamentarians understand that their job is to enforce the law and uphold it, and to recognize the laws of this land, including the Charter of Rights and Freedoms, as being applicable to every person in this country, in every province, in every territory, regardless of their gender, regardless of their sexual preference, regardless of whether they are citizens or merely landed by virtue of having their feet planted on Canadian soil.

It's that understanding that makes us uniquely Canadian and makes us the destination of choice for people throughout the world, and will continue to do that.

**The Acting Speaker:** Further speakers? The member for Toronto—Danforth.

**Ms. Churley:** Thank you, Mr. Speaker, and it's my first opportunity to congratulate you on taking the chair. You look very dignified.

I also want to welcome Reverend Brent Hawkes, who is sitting with us today, as I'm sure we all would—

**Mr. Kormos:** He should be sitting with us. That was the plan.

**Ms. Churley:** He should be sitting with us today. He sat through many a speech in this Legislature over the years.

I want to take a couple of minutes to talk about the Metropolitan Community Church, because as the Minister of Health stated earlier, it's in my riding and I guess I could say that Reverend Hawkes is my pastor too. I recommend to anybody who hasn't already visited Rev. Hawkes's church, the Metropolitan Community Church, to do so. I think Rev. Hawkes would agree with me that I perhaps should go a little more than I do, but whenever I

do go to that church, I leave feeling uplifted and spiritually cleansed and ready to move on in a joyful way to accomplish things in my life. The spirituality, the friendship, the joy of that church is absolutely outstanding, and I'll tell you why. Mr. Speaker, I believe you've visited the church as well. Every single human being in that church—it's gays and lesbians and their parents and families and, by now, straight people from all walks of life as well—is there because they want to be there. It's not necessarily, as it is for some people who go to church every Sunday, out of a sense of duty. I'm sure that nobody in this Legislature, like Peter Kormos here, would just go to church on Sunday from a sense of duty.

1720

I mention the church as well because of the huge role that Rev. Brent Hawkes and the church played in getting us to where we are today—just tremendous work, and faith that, if they persisted, this moment would come.

I had the opportunity, along with, I believe, the health minister, who was then in opposition, my leader, Howard Hampton, and other colleagues, to attend an interesting marriage ceremony on January 14, 2001, in that church. It was the marriage ceremony of Kevin Bourassa and Joe Varnell and Elaine and Anne Vautour, who have since become very good friends of mine. I witnessed that marriage. If you don't recall, let me remind you. The Halpern court case had not been decided at that point. What happened in the church was that the banns were published, that age-old tradition, and as a result, the weddings took place. Then both the province of Ontario and the federal government refused to recognize the validity of these marriages. The church commenced legal proceedings to protect its rights to religious freedom and equality. Of course, as we know, the Halpern court decision on June 10, 2003, legally recognized the right for same-sex marriages to take place.

As my colleague, our critic in the area of the Attorney General, said, this is about the rule of law. You can get up and make all kinds of fancy speeches about being proud, and the government members can say, "We're proud to be part of a government that's making this far-reaching decision today; we're proud to be part of that"—whatever. The reality is that I've cried the tears, I've smiled the smiles, and I've danced with joy through the years with the community: the ups and downs of gaining rights gradually over the years. But I have to say today that this, to me, is about the cold, hard, crystal-clear facts of law. That is what we're doing here today. To me, that is what this is all about. As I said earlier, I understand that it's human nature for some who oppose same-sex marriage to use this as an opportunity to have, in a way, a last kick at the can. But this debate isn't really all about that. Of course we have the right to say what we believe in this place, and I'm not going to suggest that anybody should be denied that opportunity. But I do want to say that this bill we have before us today is not about that. It really is about the legalities of a court decision on the charter and human rights. Of course, it is amending

statutes to reflect the Halpern court decision in recognition of same-sex marriage.

I stood up in the House back on June 24, 2004—I know the Attorney General will remember this; I spoke with him at that time—and made a statement asking that the government hurry up and move forward. It was about a year and some weeks since the Halpern decision, and those statutes had not been amended to reflect this landmark court decision. So at that time I encouraged the Attorney General—he'll remember that we had this conversation—to move forward and to move forward quickly, because the law had spoken. It was our duty, then, as legislators to move forward and amend those statutes so they would reflect the actual law that we in this province now have to abide by. I made it very clear to the Attorney General at the time that whenever the legislation was introduced, New Democrats, all of us, would stand in support and do everything we could to make sure that the bill passes as quickly as possible.

Despite the fact that, on the whole, the Conservative Party members do not support the bill before us today, I do appreciate that all of the parties spoke, and all came to the conclusion and the decision that what is happening here today reflects a change in the law in this province and that we are moving forward today in doing that.

I would like to take a few minutes to reflect on some of the comments made earlier by members from other parties. The member from Nepean is waving at me over there, the member for Don Valley West and the member for—where is George Smitherman from?

**Mr. Bisson:** Toronto Centre–Rosedale.

**Ms. Churley:** The one I forget, right next door to me—Toronto Centre–Rosedale and others, who spoke very eloquently and movingly, in a way, of the impacts on their own lives and told us, from some personal experience, the impact of not being treated as equals in our society.

One of the Conservative members mentioned something about believing in meaningful equality. I find that an oxymoron, because equality is equality is equality. You can't have meaningful equality. Equality is only meaningful if it's equality. The fact remains that, before this landmark court decision, gays and lesbians in this province did not have equal rights.

I suppose I shouldn't brag about this, but I'm not married. I have chosen not to be married. But I can choose, and I've been able to choose, any time over the years to get married or not to get married. Not all gays and lesbians want to get married either. The difference is that they didn't have that choice. Do you call that equality? That's what this is all about. This is about giving people absolute equal rights.

I'm glad to be able to stand here today. I feel like we're at some closure in terms of the long and difficult road we have had over the years to even get to this point. That is not to suggest for a moment that all homophobia is gone, and that there aren't still a lot of inequalities in terms of how gays and lesbians are treated in our schools, in the job force, in the labour market overall. There are lots and lots of things to do and many roads to travel. As

the member for Don Valley West said, it is our generation that is changing the laws to help make sure that the next generation's attitudes have changed. I like that line.

I quoted as well earlier from a colleague of mine in Ottawa. I don't have that quote with me any more because I gave it to the table and they have it now. It was a good quote. She said that this is a new beginning, that we shouldn't be fearmongering, that it's an opportunity, and that as we get more used to this as a society, we will see more and more, as most young people today already accept, that it's just perfectly normal for couples. Whether gay or lesbian, straight or whatever, people love each other and want to make a public commitment to each other and raise their families together, and everybody, both gays and lesbians and straight people, should have that opportunity.

I'm glad we're doing this today. It has finally come, and I hope very much that we get to the vote today and we can move on.

**1730**

**Mr. Bisson:** First of all, I want to thank all members who have participated in this debate. I think all the comments, no matter on what side of this, have been rather interesting to listen to today.

I particularly enjoyed the comments of my colleague Mr. Kormos from Niagara, because I thought he put this in a perspective that only somebody with his background could do, both as a litigator in our courts and also as a person who quite understands how the Legislature works when it comes to rules and what our roles are here etc. I'm not going to repeat what he said, but I agreed with what he had to say.

I want to come at this from a different perspective, and I guess I want to repeat a couple of themes that you've probably heard from me before on this issue. One is that the public is ahead of us on this issue. I want to put this on the record. I want to urge members who are feeling afraid of voting for this legislation not to worry about it. The public gets it. Like some members who have been here for some time, I've had to vote on legislation similar to this. This is the third time. Every time I voted for, the public, even those people who opposed the issue, understood that, as a legislator, from time to time you have to make a decision. There's always a part of society that's in favour and a part of society that's against everything.

I think the public wants us to take a clear position on something, not to waffle one way or another, but to say you're for or you're against and give your reasons why, but more importantly, to be respectful of the other side. That's really important here.

I accept that there are people who really have challenges dealing with this issue. They do it on the grounds of all kinds of reasons, and I accept that. I just say to those people: I hear you, but society moves long and we need to deal with these issues. I heard somebody earlier make the comment, "We're making comments in regard to Mr. Kormos's comments around basically what the court did is what we want all courts to do in a system like ours, and that is to rule on the word of law and to make sure Parliament is following the law and that Parliament

is not above the law.” That is exactly what the courts have done. He commented about how, in many countries, they don’t have the benefit of the type of system we have. He pointed out that many people die trying to get that very thing.

Somebody made a comment afterwards, and I thought it was an interesting one, saying, “Courts have made decisions equally opposite on the other side on this particular issue,” and I hear you, but I also remind people that society moves on. There used to be a time when, for example, if you go back to the 17th and 16th centuries, there were practices in society we would not support today. Why? Because society has changed. We look at things differently.

Yes, the law might have been based on a particular idea, but the principle is that, under law, everybody is treated equally, and those definitions move on with time. I remind people that if we use the analogy that we can’t change things at all for whatever reason, we would still be living back in the Dark Ages, but the reality is that, as a society, we move forward.

I want to say that I’m respectful of those people who have an opposite view. I recognize that it challenges some people, but at the end of the day this will not change how we look at ourselves and at marriage. I’ve been happily married now for 29 years; my wife, I’m not so sure. Some days it’s a challenge, let me tell you. I came home last week and, of course, being on the road as we are as MPPs, she was somewhat upset with me for not being home as often as she would like. But the point is that we’ve been married for 29 years now. I am not challenged in that relationship I have with my wife in regard to somebody’s wish to enter into a union that they call marriage. It doesn’t challenge me. I am married to my wife. I love my wife. I know she loves me. It’s a decision that we made some years ago that we still stick to. We did that within the confines of the Catholic Church, and I am not threatened as a Catholic by other people wanting to make a choice to marry within the union.

Again, the churches are going to have the right at the end of the day to decide, whether it be the Catholics or the Pentecostals or whoever, if they want or don’t want to marry somebody within their church. That will be their decision. People will go to the church of their choice or to a civil ceremony in order to be able to marry.

I also just want to say that I have heard this debate in my community, and I want to speak to it. I tried to get into it a little bit earlier, and some of the Conservative members thought maybe I was talking about them. That’s not necessarily where I was going. Some people have taken the view on this debate that, “This attacks me as a person of faith,” and that somehow or other that was an issue that just people of faith had to have. I’ve had people come to me and say, “It’s us and them.” I just want to say again that there are many people of faith who happen to be gay or lesbian, who believe deeply in the faith, whatever it might be, and want to be able to practise that faith within the church. There are other people within the

church who say, “I accept that, and I’m prepared to accept those people into my church.” It is very hurtful, I think, for both of those groups when we take an extreme position. I know it challenges, and I know it’s hard for some people to accept, but I just ask, let’s be mindful.

I’m a reader of theology, to some degree. I’m not a practising Catholic, but I am a reader of theology, and I find it very interesting.

*Interjection.*

**Mr. Bisson:** No, I’m not going to read that one.

I would just say this here: Christianity and other religions are about tolerance; they’re about love. They’re about how people are able to live together in some harmony. I can’t believe that Jesus Christ or whoever else you might believe in would come of the view that because a person happens to be gay, somehow or other they shouldn’t belong and shouldn’t be part of our society and shouldn’t be able to practise within our churches. So I just want to put on the record that I think we need to be mindful of the views of other people and the practices of other people.

I just want to come to the last point. I know to some people in politics this is a bit of a hot-button issue. We’ve watched the debate unfold in Ottawa, and some people have used this to their own advantage, as far as being able to trump it up as trying to be on the right side of the issue, as they see it, thinking that if they vote in opposition the voters back home will be happy with them and vote for them in great numbers. I just want to say that that’s not where the public is at. The public on these issues, quite frankly, is way beyond that.

I remember 1995 distinctly: Each and every New Democrat who voted in opposition to same-sex legislation prior to 1995 was defeated. Not one member of this assembly was re-elected on the basis of that issue. I just remind people that the public is far more intelligent—not “intelligent”; that’s the wrong word—is far more ahead of us on these issues than we sometimes give it credit for. The public believes that there is a number of issues that we deal with. Sometimes they’re with us, sometimes they’re against us, but they expect that we make principled decisions, that we be respectful of the other side, and that’s what this debate should be all about.

I just want to say again, for the third time now since I have been here for 16 years, that I will be voting in favour of this legislation and urge all other members to do the same.

**The Acting Speaker:** Seeing no other speakers, questions and comments?

1740

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** We’ve heard a lot in the last few hours about things such as “This is housekeeping” and “This is to bring the legislation in line with court rulings.” But I think it goes much deeper than that. I can remember only one other time that I’ve struggled so much with a decision. This goes far beyond party lines; it goes to the core of what

we believe in. I know the majority of my constituents and what they will say, and they would say they are opposed.

The act clearly states that my church and my religious beliefs have the right to refuse to be a part of any marriage. It says that very clearly in the act. I'm a practising Catholic. I attend every Sunday with the man that I have been married to for 35 years. Our marriage is defined not only by our church but, more importantly, by us, by our children, our family and our friends.

As a parent, I have taught my children kindness and tolerance. The golden rule governs all. It says, "Love thy God; love thy neighbour." It doesn't say, "Love thy neighbour, except if he's a different colour or from a different religion or from a different gender orientation." We are told that God's love is unconditional and that we should live our lives by that rule.

So I will be voting my conscience. What I want to do is reinforce what I have told my children are the greatest values of all—love thy God; love thy neighbour—and so I will be voting in favour.

**Mr. Ouellette:** I wish to comment on the member from Niagara Centre's comments. He expressly stated that it was the rule of law and the court of law that came forward. We have been elected as representatives within our ridings to make those laws. There are laws that are brought forward and there are laws federally and provincially that have allowances in there.

What I would ask the member is—I'm talking about the notwithstanding clause—when you talk to the Conference of Catholic Bishops' representative, as I did today, the concern was that this is going to be challenged in court and their position and abilities and beliefs will be taken to court. The reason they're being taken to court is that some other group believes that they are going to win, and, as the member knows, there's always a winner and loser in court.

My question would be: What would the member's position be should the courts rule against them and then come forward and say, "You will have to perform those marriages against your beliefs"? That is my concern brought forward, as expressed by the Conference of Catholic Bishops today.

**Mr. John Wilkinson (Perth–Middlesex):** I'm also pleased to join in the debate. I want to tell you, I remember a time when I was with the member for Lambton–Kent–Middlesex. It was the summer of 2003. We were at the Middlesex cattlemen's barbecue in Poplar Hill, Ontario.

I remember this clearly. It was 2003. The Halpern case had come in. The previous government did not appeal that decision, and therefore it was a hot-button issue. I remember that I met a wonderful lady there. She was sitting on her lawn chair eating her beef dinner, and I shook her hand. I told her who I was and what I was there for. She grabbed me by the hand, she pulled me in

tightly and she said to me, "Young man, I need to know your position." I said, "About what, ma'am?" She said, "About same-sex marriage." Of course, I said, "Well, ma'am, my mother taught me never to talk about sex in public." She laughed, but then she looked me straight in the eye, and she said "Really. I really need to know." I said, "I'll tell you, ma'am. I'm a practising Roman Catholic. I've been married for 20 years. I believe personally that marriage is a sacrament between a man and a woman and God. But the state tells me that I can divorce my wife. My religion tells me that I cannot."

So I have always known that there has been a difference between state marriage and religious marriage. The Good Book says, "Render unto Caesar that which is Caesar's; render unto God that which is God's."

In this province I get to be a practising Roman Catholic because of the Charter of Rights and Freedoms. The reason I can be in this House as the first Roman Catholic ever to represent this riding is because of the charter, in my opinion. It's disingenuous for me to say that there are some rights for some and not for all. I feel that in this matter it is very important for us to remember that this Legislature has decided to balance those needs and protect the rights of the religious based on religious grounds not to perform marriages which are against their belief system but, more importantly, that each and every member of this province is equal and will always be treated so by this Legislature.

**The Acting Speaker:** Further questions and comments? Seeing none, two minutes for reply.

**Mr. Bisson:** I'd just like to thank the members.

**The Acting Speaker:** Is there any further debate?

Hearing none, the minister has an opportunity to reply. That is declined. It is now time to put the question.

Mr. Bryant has moved second reading of Bill 171, An Act to amend various statutes in respect of spousal relationships. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say "aye."

All those against, say "nay."

In my opinion, the ayes have it.

The motion is carried.

Shall the bill be ordered for third reading? Agreed. Therefore, so ordered.

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that we adjourn?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

The House stands adjourned until 6:45 p.m. this evening.

*The House adjourned at 1745.*

*Evening meeting reported in volume B.*

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