

Legislative
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Bill 256

**An Act to amend the Photo Card Act, 2008 and the Vital Statistics Act
respecting access to identification documents**

Ms J. Monteith-Farrell

Private Member's Bill

1st Reading March 4, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Photo Card Act, 2008* to provide that no fee shall be charged to an applicant for a photo card. The Bill also amends the *Vital Statistics Act* to provide that no fee shall be charged in connection with registering a birth, adding to or changing a birth registration, having a search made for the registration of a birth or obtaining a birth certificate. No fee shall be charged in connection with obtaining a certified copy of a registration of birth, change of name, death or still-birth.

The *Vital Statistics Act* is also amended to require the Minister of Government and Consumer Services to establish an advisory committee. The committee's mandate is to make recommendations to end systemic procedural and systemic barriers to obtaining personal identification documents in Ontario. The committee is required to consult with all relevant stakeholders, including, at minimum, the stakeholders specified in the Bill. The committee is required to report its recommendations to the Minister. The Minister is required to inform the Assembly of the recommendations the Minister will implement.

**An Act to amend the Photo Card Act, 2008 and the Vital Statistics Act
respecting access to identification documents**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Photo Card Act, 2008

1 (1) Section 8 of the *Photo Card Act, 2008* is repealed and the following substituted:

No fee

8 No fee shall be charged to an applicant for a photo card or to a holder of a photo card for anything done or provided under this Act.

(2) The English version of subsection 10 (1) of the Act is amended by adding “or” at the end of clause (c) and striking out “or” at the end of clause (d).

(3) Clause 10 (1) (e) of the Act is repealed.

(4) Subsection 17 (2) of the Act is repealed.

Vital Statistics Act

2 (1) Subsection 15 (2) of the *Vital Statistics Act* is amended by striking out “on payment of the required fee” at the end.

(2) Subsection 30.1 (1) of the Act is amended by striking out “fee, if any, and”.

(3) Subsection 30.1 (3) of the Act is amended by striking out “fee, if any, and”.

(4) Clause 31 (1) (b) of the Act is repealed and the following substituted:

- (b) the Registrar General receives evidence that satisfies the Registrar General as to the identity of the person and receives all prescribed documents that are in the person’s possession and the applicant has requested the Registrar General to note the change on the birth registration.

(5) Clause 31 (3) (a) of the Act is amended by striking out “and pays the required fee, if any”.

(6) Subsection 31 (7) of the Act is amended by striking out “and pays the required fee, if any” at the end.

(7) Clause 31.1 (2) (a) of the Act is amended by striking out “and pays the required fee, if any”.

(8) Clause 31.1 (6) (a) of the Act is amended by striking out “and pays the required fee, if any”.

(9) Subsection 44 (1) of the Act is amended by striking out “and upon payment of the required fee”.

(10) Subsection 44 (2) of the Act is amended by striking out “and upon payment of the required fee”.

(11) Subsection 44 (4) of the Act is amended by striking out “and upon payment of the required fee”.

(12) Subsection 44 (4) of the Act is repealed and the following substituted:

Change of name certificate

(4) Upon application, any person may obtain from the Registrar General a change of name certificate in respect of any change of name of which there is a registration, made after July 15, 1987, with the Registrar General.

(13) Subsection 45 (1) of the Act is amended by striking out “and upon payment of the required fee” at the end.

(14) Subsection 48 (1) of the Act is repealed and the following substituted:

(1) Any person may have a search made for the registration of any birth, death, marriage, still-birth, adoption or change of name in the indexes kept under this Act if that person applies and satisfies the Registrar General as to the person’s reason for requiring the search.

(15) Subsection 48.2 (3) of the Act is amended by striking out “upon payment of any required fee and”.

(16) The Act is amended by adding the following sections:

No fee — specified documents

54.1 No fee shall be set by order or regulation under this Act, and no fee shall be collected, in connection with,

- (a) registering a birth;
- (b) adding to or changing a birth registration;
- (c) having a search made for the registration of a birth;
- (d) obtaining a birth certificate; or
- (e) obtaining a certified copy of a registration of birth, change of name, death or still-birth.

ADVISORY COMMITTEE ON EFFICIENT IDENTIFICATION DOCUMENT SERVICES

Advisory Committee on Efficient Identification Document Services

54.2 (1) The Minister of Government and Consumer Services shall, within 60 days after the *Awenen Niin Act (Who Am I) Respecting Identity Documents, 2021* receives Royal Assent, establish an advisory committee to be known as the Advisory Committee on Efficient Identification Document Services in English and Comité consultatif de l'efficacité des services de délivrance des pièces d'identité in French.

Composition

(2) The committee shall be composed of persons the Minister believes will make useful contributions to the committee's work, including,

- (a) persons who face or who have faced any form of barrier to obtaining personal identification documents in Ontario;
- (b) service providers and advocates who assist persons facing those barriers, including representatives of community legal clinics from across Ontario and community health centres from across Ontario; and
- (c) members of academic research teams studying those barriers.

Same

(3) The Minister shall make all reasonable efforts to ensure that the composition of the committee reflects the diversity of the residents of Ontario and, in particular, includes,

- (a) women;
- (b) Indigenous people;
- (c) members of racialized groups;
- (d) persons with disabilities;
- (e) seniors;
- (f) persons under the age of 30; and
- (g) persons of diverse sexual orientation, gender identity and gender expression.

Remuneration and expenses of committee members

(4) The Lieutenant Governor in Council may by regulation prescribe remuneration and payment of expenses for the committee members.

Mandate

54.3 (1) The mandate of the Advisory Committee on Efficient Identification Document Services is to make recommendations to end systemic procedural and systemic barriers to obtaining personal identification documents in Ontario.

Same

(2) In particular, the committee shall inquire into the following barriers and may make recommendations about them:

1. Illiteracy, language inaccessibility and difficulty navigating bureaucratic systems.
2. Requirements for guarantors and signatures and requirements to provide detailed personal information.
3. Access to digital resources.
4. Lack of recognition of kinship agreements.
5. Systemic racism and other cultural barriers.
6. Systemic oppression, including negative experiences with government agencies and institutions.
7. Intergenerational fear of government.

8. Psychosocial barriers.
9. Stigma surrounding replacement of identification documents.
10. Barriers respecting the storage, safekeeping and retention of identification documents.

Consultations

(3) In carrying out its mandate, the committee shall consult with all relevant stakeholders, including, at minimum, by doing the following:

1. Conducting public consultations that are open to any person who has experienced systemic barriers to obtaining personal identification documents on Ontario for themselves or on behalf of others.
2. Consulting Indigenous organizations across Ontario.
3. Consulting all community legal clinics in Ontario.
4. Consulting community health centres across Ontario.

Report

(4) On or before the day that is six months after the committee is established, the committee shall report its recommendations to the Minister.

Implementation of recommendations

54.4 On or before the day that is 90 days after the Advisory Committee on Efficient Identification Document Services reports its recommendations to the Minister, the Minister shall inform the Assembly of the recommendations the Minister will implement.

(17) Subsection 59.1 (1) of the Act is amended by adding “Subject to section 54.1” at the beginning.

Amendment to *Strong Action for Ontario Act (Budget Measures), 2012*

3 Subsection 9 (2) of Schedule 58 to the *Strong Action for Ontario Act (Budget Measures), 2012* is repealed.

Commencement

- 4 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**
- (2) Subsection 2 (3) comes into force on the later of April 30, 2021 and the day this Act receives Royal Assent.**
- (3) Subsection 2 (12) comes into force on a day to be named by proclamation of the Lieutenant Governor.**

Short title

5 The short title of this Act is the *Awenen Niin Act (Who Am I) Respecting Identity Documents, 2021*.