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ISSN 1488-9080

**Legislative Assembly  
of Ontario**

Third Session, 37<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Troisième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Tuesday 25 June 2002**

**Journal  
des débats  
(Hansard)**

**Mardi 25 juin 2002**

**Standing committee on  
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**Comité permanent de la  
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**Loi de 2002 modifiant la Loi  
sur le mariage**

Chair: Toby Barrett  
Clerk: Tom Prins

Président : Toby Barrett  
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Published by the Legislative Assembly of Ontario



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3330 Édifice Whitney ; 99, rue Wellesley ouest  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY**

**COMITÉ PERMANENT DE LA JUSTICE  
ET DES AFFAIRES SOCIALES**

Tuesday 25 June 2002

Mardi 25 juin 2002

*The committee met at 1541 in room 151.*

**MARRIAGE AMENDMENT ACT, 2002  
LOI DE 2002 MODIFIANT LA LOI  
SUR LE MARIAGE**

Consideration of Bill 74, An Act to amend the Marriage Act / Projet de loi 74, Loi modifiant la Loi sur le mariage.

**The Chair (Mr Toby Barrett):** Good afternoon, everyone. Welcome to this regular meeting of the standing committee on justice and social policy for today, June 25.

Our agenda today is clause-by-clause consideration of Bill 74, An Act to amend the Marriage Act. The committee has received a number of amendments. I think at this point we can commence. I would pose the question, are there any comments, questions or amendments? We'll begin with Mr Kormos.

**Mr Peter Kormos (Niagara Centre):** I have copies of both the Liberal motions—three of them—and the two government-submitted motions.

First, I want to say that many thought the hearings—I recall the subcommittee meeting—would be impoverished by virtue of poor attendance. Many thought that was going to be the case. But on the contrary, it was clear that there were a significant number of people who were interested in this bill.

I was impressed by the fact that not a single participant in the hearings spoke against the bill or the proposition of marriage commissioners and so-called secular marriages. I was also impressed by the fact that a number of people from the faith community came forward and endorsed the bill. I was disappointed, and without any criticism, that we didn't hear from people representing faith communities other than the Christian faith, because I would have been interested in what other faith communities had to say about this. I can only draw the appropriate inference from their non-response or their non-participation. Indeed, when we had a representative of the United Church of Canada here yesterday, I asked him whether he was aware of any leadership in any faith community that would be opposed, and although that in and of itself isn't comprehensive, he indicated no. Indeed, contrary to what the Minister of Consumer and Business Services would have us believe, there seems to be substantial support for this proposition. It's been a practice in many other jurisdictions.

I think it addresses a whole number of issues and problems out there that people have had getting married. As I say, I think there is an interest. We have an interest, all of us, in people, if they're going to live married lives, unless they consciously make the choice not to be married, knowing what that entails in terms of the exposure or liability they have.

At the end of the day, it's a couple of things. First, it means you can't access the Divorce Act. The Divorce Act is not available for people who aren't legally married, notwithstanding what's happening on the east coast in terms of the appellate court decision regarding the status of common-law spouses. The status of common-law spouses, which is being heard in the appellate courts in eastern Canada, deals only with the equivalent of the Family Law Act and its applicability to common-law spouses. Obviously if that ruling is won in favour of common-law spouses and is adopted in Canada or is approved by the Supreme Court of Canada, then this statement won't be applicable to people with respect to the Family Law Act. So the Divorce Act is inaccessible to people who do not marry.

Second, certain provisions, certain parts of the Family Law Act are not available. Accessing those acts can cause grief and chaos, but the inability to access them and rely on them can cause grief and chaos for the parties.

Having said all that, I am pleased and supportive of the legislation. I was supportive before, as is indicated by my second reading comments in the Legislature.

I don't know where the Liberal caucus is or the position it's going to take with respect to its amendments, because I only read the signals that are inherent in the two amendments. There are but two amendments from the government, yet at the end of the day those two amendments, since there are only two sections to the bill, rewrite the bill. But to be fair, they don't detract from the intention of the bill. What they do, in my impression, is relegate a good chunk of the structure and timing to regulation rather than being incorporated into the body of the bill.

I had some concerns about the cap that was imposed in the bill on the number of commissioners per riding. Mr Murdoch has been very fair about that. He had to pick a number and he started with six. Obviously in some ridings six may be more than sufficient and in a whole lot of ridings six wouldn't be sufficient. I'm not as interested

or concerned about the fact that there might be too many marriage commissioners. I don't see this as an activity in which we have to control competition, because I don't see this as something that people are going to be embarking on as a means of earning an income, for instance. They're doing this as a service to their community and because they have an interest in parties who want to submit to a marriage ceremony.

I see the two government amendments. As I say, the message is clear that the government members, short of an outright rebellion—if indeed Che is still in the government caucus as a revolutionary, if Che hasn't been sent to South America to be hounded by the CIA and is still in Havana, we might see a rebellion here once again. People might stand up to the heavy hand of the House leader's office, or wherever the heck it was that these amendments came from, and say, "No way. We're going with Bill Murdoch on this and we're going to defy the government." It is an exhilarating experience. I don't have to explain that to Mr Murdoch or Mr Guzzo but I'll explain it to the other two government caucus members. It's a liberating feeling to stand up in defiance of the government and say, "I'm here because my constituents sent me here. I'm not here because of Ernie Eves or Mike Harris; I'm here because of the folks in my riding. If I'm going to be beholden, I'm going to be beholden to those folks, not to Ernie Eves or Mike Harris or the government House leader." I tell you, it's a liberating feeling.

Mind you, having said that, if the two more conservative members of the caucus, if you'll forgive me, at least the ones who haven't to date demonstrated any rebellious instincts, are inclined to vote with their House leader—there are two who have shown independent minds and spirits, and they, being joined by two opposition members, could find themselves victorious.

I'm looking forward, first of all, to seeing who moves the government amendments and whether Mr Murdoch is going to let himself be humiliated in this way. He's a man of pride, he's a man of dignity, he's a man who has respect from me and who—

*Interjection.*

**Mr Kormos:** Well, no, I'm up in his riding from time to time. Folks from his riding come down to Niagara Centre and they speak well of Billy, and I have been inclined to speak well of Mr Murdoch, even in public forums, be it radio interviews or what have you, up in the part of Ontario where he lives. So he is a man—

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** It's part of the north.

**Mr Kormos:** I call it the very near north. Only a person from Barrie would consider that anything akin to the north. North Bay people, they figure, heck, Bruce-Grey is the banana belt.

I'm interested in seeing who moves these government amendments. Please don't submit Mr Murdoch to the indignity of having to move amendments that were imposed on him, forced on him. Please let the Vice-Chair or parliamentary assistant move those amendments,

because Mr Murdoch is a man held in high regard. Don't humiliate him. Let's carry on with this process and see what we end up with at the end of the day. I hope it's a bill that can come to fruition at some point in the near future.

1550

**Mr Bill Murdoch (Bruce-Grey-Owen Sound):** Thanks, Peter, for those kind words. I certainly appreciate them. I'll be looking forward to Peter's comments in the House when we get this bill to the House and hopefully—

**Mr Kormos:** Third reading?

**Mr Murdoch:** Yes, for third reading.

**Mr Kormos:** Get your House leader to call it for third reading debate and I'll be pleased to speak to it.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** He was the campaign manager for the House leader in the last leadership. Do you think he hasn't got enough authority—

**Mr Kormos:** He's tight.

**Mr Guzzo:** He's very close.

**Mr Murdoch:** Tight, yes.

**Mr Kormos:** So the House leader is obliged—

**Mr Guzzo:** They got 4% of the popular vote, too.

**Mr Kormos:** On a point of order, Mr Chair: When you think that in most polls the margin of error is 4%, Mr Stockwell could have gotten no votes.

**Mr Murdoch:** He might have got zero; he might have got 8% too.

But if we could get on with this legislation, I have no problems with the amendments. They change the bill, certainly, since we only had two clauses and both amendments to each clause, but I'll go back to when we first started this bill. I think Minister Runciman was the minister at the time. Again, I think we have the same bureaucrats we had here the other day to have to listen to and they didn't really want this bill. I think that's what happened. I wanted the bill and I didn't mind if the ministry even took the bill and put it as a government bill. It would have been fine with me.

The problem we have out there is that some people just can't get married and they have the right to get married, but not the way they'd like to. We make that right but we don't give them the chance to do that. So I think with the amendments, the bill still stands. Maybe it's less tied down than the way I had it, but as Peter said, I had to have some numbers in my bill. I had to put something there and I picked six, and I picked a three-year term. I don't mind it being open. I think the government amendments allow that.

The only problem I have with the last amendment is that cabinet has to go back to the Lieutenant Governor and make sure this is approved. Let me tell you, I'll make sure that happens or the cabinet will hear about it. So that will happen.

If we approve it on Thursday night, it doesn't automatically mean it's approved then. We have to wait some time again. But I understand that's because there

are some things the ministry will have to approve and set up.

Again, I appreciate all the kind words Peter has said. I used to interview Peter, too. He can tell you why we both wear cowboy boots in this place. Sometimes we need them, especially when we're in the House. We'll let your minds figure that out.

I think Mr Tascona, as parliamentary assistant, probably has something to say, and I think David over there for the Liberals will have something to say. I'm going to jump ahead and appreciate his support too, because I think he has been supportive all along. So let's just get on with this bill and get it finished and into the House.

**Mr Dave Levac (Brant):** If we want to move forward on this, we can just put the motions on the floor and start dealing with them. I think that's what we're supposed to do.

I do want to make one observation. Yesterday, Abba Ministries was unable to attend for some reason. We have their comments before us and I would just bring to the attention of all our committee members the fact that they've had their voice heard. I wouldn't want them to think they hadn't had their voice heard in committee from yesterday. They've offered us a written submission that I believe should be reflected in the minutes.

**The Chair:** Thanks for saying that. I should have mentioned that. They were on their way here and they had a minor traffic accident.

**Mr Levac:** That's unfortunate. I hope no one got hurt. Did I hear it was minor?

**The Chair:** Minor.

**Mr Levac:** The first motion we've provided is moved by myself.

I move that section 24 of the Marriage Act, as set out in section 1 of the bill, be amended by adding the following subsection:

"Restriction

"(1.0.1) Despite subsection (1), no person who issues a licence under section 11 shall solemnize marriages under the authority of that licence."

Just speaking to that very briefly, I would be open to comments on that particular issue as I've submitted that on behalf of a group.

**Mr Kormos:** I was going to ask for some sort of explanation. You'll recall, Mr Levac, that yesterday I asked some folks who were at the committee about the most basic and secular sort of marriage, one wherein there is no ceremony, because it's all about the legalities. It's all about being legally married, and that is, attending at a clerk who is entitled to issue a licence and, once you have a licence, complying with the literal three requirements of the Marriage Act, the three declarations that have to be made—two by the parties and one by the person doing the formalities—and then saying, "Fine, we're out of here."

I appreciate the arguments and criticisms that could be made about it, especially if it were young people. But we talked about senior citizens with Judge Scott and, heck,

as far as I'm concerned, if two 70-year-olds, who are probably as familiar with all the implications as anyone, simply want to go through that to establish the legal obligations of marriage to each other, I think they should be entitled to.

I don't know whether the purpose of this is to suggest that there's the risk of fraud being perpetrated or to imply that there should be a waiting period when in fact the law doesn't require one. Perhaps you could deal with the rationale.

**Mr Levac:** If I may, as you were describing that, there was just a concern that there may have been an absence of people understanding that the religious aspect of that did not necessarily mean that if it was performed by anyone, the solemnization inferred some type of affiliation.

**Mr Kormos:** Where's that?

**Mr Levac:** In the presentation from—what's the gentleman's name, from yesterday?

**Mr Kormos:** I don't know.

**Mr Levac:** The consultant. Just a second, I have his name.

**Mr Kormos:** Mr Carson and company.

**Mr Levac:** Carson, yes. Just the removal of the expectation that there would be anything else other than a civil expectation in the commissioner.

**Mr Kormos:** But this doesn't—how does it do that?

**Mr Levac:** It actually doesn't.

**Mr Kormos:** Then why are you moving it?

**Mr Levac:** Because I was asked to provide that by the person presenting.

**Mr Kormos:** You're obliging those people.

**Mr Levac:** I'm obliging those people to provide them with an opportunity to have their voice heard here and to understand if there's any rationale from the government side to say this is not acceptable. I would prefer to go to Mr Murdoch on this one.

**Mr Kormos:** So you find this amendment indefensible.

**Mr Levac:** Not necessarily indefensible. I saw the point they were making, Mr Kormos.

**Mr Murdoch:** I don't think we need it. I think the two amendments that we have—not because I'm in the government; I don't always agree with them. But they satisfy me and I think we can just get on. As David said, let's get on and get this thing over with. If you're OK with that, let's just—

**The Chair:** I'll go to Mr Tascona.

**Mr Murdoch:** If you want to go for a vote, let's do that. Let's have a vote on it.

**The Chair:** Let's hear from Mr Tascona and then when the members are ready to vote—

**Mr Tascona:** On this amendment, essentially, under section 11 of the act, the people who can issue marriage licences are the clerks of every city, town and village. There are even broader powers with respect to the minister in terms of who they can appoint, being the clerk of a township, a resident of a territorial district or a member of a band on the band council's recommen-

dation. What this amendment would propose is to remove clerks in particular from being able to solemnize marriages. We wouldn't be in support of that. I think we've heard from the presenter of the bill in terms of what his thoughts are and from the member of the NDP. So we wouldn't be able to support that.

**Mr Kormos:** Mr Levac has moved this amendment and I would dearly love for him to explain to me what it achieves and why he supports it.

**The Chair:** Is there any further discussion? Are the members ready to vote?

**Mr Guzzo:** Let me explain the problem. I think it's a very good amendment for the north or for small-town Ontario, but it will not work in a major city.

Let me tell you my experience. This one never happened when I was doing weddings on the bench. I would never succumb to something like this. But as a member of Ottawa city council, I remember on numerous occasions getting a call from a priest or a minister on Saturday morning saying, "I've got a wedding and they didn't get their licence." The three-day waiting period was in effect at the time. The city clerk was a neighbour of mine. That would happen so often that he would bring them home on Friday nights and have them there and issue them, so he wouldn't have to go into the office. But you had the three-day waiting period, and notwithstanding that, they all went ahead. I think that's what the intent is, to protect against that, but it's happening anyway.

**The Chair:** Any further discussion?

**Mr Kormos:** Is that your position, Mr Levac?

**Mr Levac:** It's been my position all along, Mr Kormos.

1600

**The Chair:** Any further discussion?

**Mr Guzzo:** It's going to be a problem in small-town Ontario. It's a very good amendment for Toronto and Ottawa but—

**The Chair:** Are the members ready to vote? We have a motion on page 1 moved by Mr Levac. All those in favour? Those opposed? I declare this motion lost.

If we turn to page 2, we have a Liberal motion.

**Mr Levac:** I move that subsection 24(1.1) of the Marriage Act, as set out in section 1 of the bill, be amended by striking out "shall appoint" and substituting "may appoint."

**The Chair:** Any discussion, Mr Levac?

**Mr Levac:** This one was to provide flexibility instead of making it mandatory.

**Mr Kormos:** I am shocked at this amendment, Mr Levac.

**Mr Levac:** I'm glad, Mr Kormos.

**Mr Kormos:** Don't you know what was going on up in North Bay a year and a half ago when the Premier of the day wouldn't appoint a new judge? Remember that, Mr McDonald? There was a vacancy on the provincial bench. Because it was discretionary and because one can only conclude whatever one wishes to conclude, it would appear that the Premier was unhappy with the people whose names were being put forward by the committee

that approves potential judges, so the Premier didn't appoint a judge. You were getting phone calls about it, I know. I know we were getting phone calls about it, saying, "What is going on here? Has the Premier of the day, Mr Harris, returned political patronage to judicial appointments? We thought it had indeed been abolished."

I'm frightened by this amendment because when it says "may," it means that the appointing board or agency can drag its heels and not appoint anybody until, let's say, they get the right persons to consider.

Look at what's been happening. Look at what's happened in Ottawa, where the city put forward two capable people as appointees to the district health council and the government says, "We're not appointing either of them." On the contrary, there's got to be a mandatory requirement of appointment or else the government can play patronage games. I'm afraid, with regret, that I can't support your motion in this instance.

**Mr Guzzo:** You make a good point but you're in error on that situation with the health council—

**Mr Kormos:** And you're going to correct me.

**Mr Guzzo:** —because it is mandatory.

**Mr Kormos:** Well, they still won't do it.

**Mr Guzzo:** And they still won't do it.

**Mr Kormos:** Oh, for Pete's sake.

**Mr Guzzo:** So you try and figure that one.

**Mr Kormos:** It's like breaking the law.

**Mr Guzzo:** I just want to say with regard to the judicial appointments, what was your argument in the days when the judicial council was approving those people to be appointed and they dragged their feet?

**Mr Kormos:** Well—

**Mr Guzzo:** No. I wouldn't criticize them either if I were practising law.

**Mr Kormos:** I'm sure I've criticized virtually every body, organization and institution, elected or unelected. I've been irreverent to each and every one in this province and beyond at least once during the course of my adult life. I'm sure of it.

**Mr Guzzo:** You used to park your car in the judges' parking lot in Welland. I remember that.

**The Chair:** Any further debate? The period for delegations finished yesterday. We're now doing clause-by-clause.

Seeing no further debate, are the members ready to vote?

**Mr Kormos:** A recorded vote, please.

**The Chair:** This is a vote on a Liberal motion found on page 2.

#### Ayes

Levac.

#### Nays

Guzzo, Kormos, McDonald, Murdoch, Tascona.

**The Chair:** I declare that motion lost.

If we turn to page 3, we have a Liberal motion.

**Mr Levac:** I move that section 24 of the Marriage Act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Regulations, marriage commissioners

“(1.4) The Lieutenant Governor in Council may make regulations respecting any matter pertaining to the governance of marriage commissioners not covered by subsections (1.1), (1.2) and (1.3), including their training, their registration, the standards required for the performance of their powers and duties, their remuneration, their disciplining and their dismissal.”

This was brought up by several people when I asked about some type of governance. They would request some type of guidance within that framework, so that’s why this is being proposed.

**The Chair:** Further discussion?

**Mr Kormos:** I think this is a good amendment and I’m going to support it.

**The Chair:** Any further discussion? Are the members ready to vote?

**Mr Kormos:** A recorded vote.

#### Ayes

Kormos, Levac.

#### Nays

Guzzo, McDonald, Murdoch, Tascona.

**The Chair:** I declare this motion lost.

If we turn to page 4, we have a government motion.

**Mr Tascona:** I move that section 1 be struck out and the following substituted:

“1. Subsections 24(1) and (2) of the Marriage Act are repealed and the following substituted:

“Civil marriage

“(1) A judge, a justice of the peace, a marriage commissioner or any other person of a class designated by the regulations may solemnize marriages under the authority of a licence.

“Regulations, marriage commissioners

“(2) The Lieutenant Governor in Council may make regulations,

“(a) authorizing the person or body specified in the regulations to appoint persons or classes of persons as marriage commissioners;

“(b) respecting any matter pertaining to the governance of marriage commissioners, including their appointment, their training, their registration, the standards required for the performance of their powers and duties, their remuneration, their disciplining and their dismissal.

“General or specific application

“(2.1) A regulation made under subsection (2) may be of general application or specific to any person or persons or class or classes in its application.

“Classes

“(2.2) A class described in the regulations made under subsection (2) or under clause 34(g) may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics.”

**The Chair:** Mr Tascona, do you have any comments on that motion?

**Mr Tascona:** No.

**The Chair:** Further discussion?

**Mr Kormos:** I think this is outrageous. This is an effort to humiliate Mr Murdoch and to undo all of the work he has done with respect to this bill. This amendment repeals 90% of the bill. It repeals all of section 1 and there are only two sections in the bill.

I think it’s insulting to Mr Murdoch to have this amendment put forward. I think it insults his staff, who worked hard with him on the bill. I’m confident that Mr Murdoch and his staff are outraged, although they may be reluctant to express that outrage.

I’m certainly upset by this. I find this simply beyond insulting, that an honourable member like Mr Murdoch would be treated in this way. I for one am going to stand up for Mr Murdoch. I’m not going to let an honourable colleague be kicked around by a bully government that won’t let private members’ public business take its natural course. That’s what private members’ public business is all about.

I’m going to stand with Mr Murdoch on the bill as he drafted it. It’s the bill I’ve been supporting. I’m going to oppose this amendment.

**Mr Tascona:** When you look at what’s being proposed here under “Civil marriage,” subsection (1), certainly the intent and purpose of what Mr Murdoch is proposing is intact. We’re looking at “a judge, a justice of the peace, a marriage commissioner or any other person of a class designated by the regulations.” Under the regulatory powers, it gives a certain flexibility which an act such as this would require, because the intent of what Mr Murdoch is trying to accomplish here is to provide people able to perform and solemnize marriages. That gives it that flexibility. That’s why you use regulations. It authorizes these people to solemnize marriages. It doesn’t direct them, but it gives the flexibility to authorize this to happen.

The regulations part that is put in there is consistent with the intent of subsection (1), what the member is trying to accomplish here with respect to providing for the types of persons or class of persons for this to be able to happen.

In speaking with Mr Murdoch, the regulatory impact of what we’re trying to accomplish here is consistent with what he’s trying to accomplish, which is to make sure that there is flexibility: you don’t have to go back and keep amending the act to make sure you’ve got the right people out there to do it. What is being proposed is consistent with the intent and purpose of what he is trying to accomplish.

That's all I can comment at this point in time. The member himself may wish to comment.

1610

**Mr Murdoch:** I appreciate Mr Kormos's sticking up for me. I always appreciate it when he sticks up for me in any discussions we have.

I've looked at the amendments and I've been assured by the staff from the ministry that this will work.

**Mr Kormos:** Maybe it's the Stockholm Syndrome.

**Mr Murdoch:** No, I don't think so. I would ask Mr Kormos to vote with us on this. As I said, it actually opens the bill up.

I will live with it. I've always wanted the bill. It doesn't matter whether it's in my words or the ministry's words, as long as it works to help the people out who need this bill—and there are a lot of people out there who need it. As I say again, if this works with the ministry, I can live with it.

You're right. It changes the bill, there is no doubt. But I have worse things that I may argue with the government on than this. I appreciate the fact that Mr Kormos is sticking up for me, but I would ask him to vote with us on this.

**Mr Levac:** After hearing what Mr Murdoch just said—I looked at the two sections, and in the first part I didn't see much of a change. Then all of a sudden I looked at the differences between the two and the amendment that I had offered. The third amendment I had offered tried to take care of the regulations that were discussed from the other day. I didn't see that. I saw it as very loose. In your version, it seemed to be a little tighter. I think probably the rationale is to provide that flexibility. I'm hoping that's the intent and that's the purpose of the government's amendment. If that's the case, then it does address what you were talking about.

Since you yourself are comfortable with it, I can support it. But I'm still a little concerned about that portion of the bill that didn't get closed up from what you were discussing during this particular time period, so I will be very cautious in my support.

**Mr Murdoch:** I just want to say that I appreciate that, Mr Levac. I think sometimes you have to give a little to get what you want, and this is what we want. We want a bill and we need the ministry working with us on it. If we don't, then we're going to have problems and I'm going to be fighting with the ministry forever, saying, "When are you going to do this? When are you going to do that?"

I think what we are accepting allows us to work with everybody, and in the end we get some marriage commissioners. Sometimes you've got to give and take. As you know, in this political game that we're in, that sometimes works. So I'm willing to take a chance on it and work with it.

**Mr Kormos:** Mr Chair, how can we be sure Mr Murdoch isn't being forced to say that? He's using phrasing like "compromise" and "give and take," which I can tell you are not part of his normal vocabulary. I think there is something very suspicious going on here. I am

quite frankly fearful of yet more underhandedness on the part of the government. I encourage my Liberal colleague to stick with the real Mr Murdoch, to vote against this amendment, and let the Murdoch bill prevail.

**Mr Murdoch:** Just one thing about that: I haven't been forced on this one, Mr Kormos. There may have been other times they tried to twist our arm.

**Mr Kormos:** Have you been drugged?

**Mr Murdoch:** After spending some time in Cuba, I know Che compromised sometimes too, and so did Fidel. He had to do that to win. So if we get what we want in the end—

**Mr Kormos:** Don't start that argument with me.

**Mr Murdoch:** I've watched the history of Cuba and that. If you get what you want in the end—stability; that's what we want. In the end here, we want some marriage commissioners.

**Mr Kormos:** If he did compromise, where did it get him? It got him sent to Bolivia.

**Mr Murdoch:** No, not Che. He wanted to go there. You've got to read the history.

**Mr Guzzo:** First of all, let me say with regard to my colleague Mr Murdoch's comments about giving a little to get a lot, for some of us here, when our ship comes in, it will be an ocean liner.

When I got this bill, the first thing I did was take a look at the Marriage Act. It was calling for a repeal of 24(1) and I read 24(1). What does 24(2) of the Marriage Act say? I didn't even read it.

**Mr Kormos:** It's a restriction on locations for judges.

**The Chair:** We'll ask for a reading of that, please.

**Mr Michael Wood:** Subsection 24(2) of the Marriage Act reads as follows: "The solemnization of a marriage by a judge shall take place in the judge's office and shall be performed between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon."

**Mr Guzzo:** I thought that's what it was. It has been a long time since I had any reason—you're asking me at this point in time to vote to repeal that?

**Mr Murdoch:** Yes.

**Mr Tascona:** Just responding to the members, with respect to what I think the Liberal member was referring to, the regulations provide for some standards to be set, certainly, in the areas we're looking at in terms of the governance of marriage commissioners, including their appointment, their training, their registration, the standards required for the performance of their powers and duties, their remuneration, their disciplining and their dismissal. That is, in essence, what I think the member is saying in terms of what he wants to see happen. So there are some standards out there so they know what to do in terms of working with the ministry.

I also would point out that the bill is still named after Mr Murdoch. It's still Bill 74. It's still consistent. We didn't change that.

**Mr Murdoch:** Just one thing, to ease the concern of Peter's that I've been whipped into this. Don't think I've been whipped in, because the whip is sitting here. He's been trying to whip me ever since he got the job and



there's no way I'm going to let him do that. I think he's just here out of interest.

**The Chair:** I'll ask the committee if there is any further discussion or debate. Are members of the committee ready to vote?

**Mr Kormos:** Recorded vote.

### Ayes

Levac, McDonald, Murdoch, Tascona.

### Nays

Guzzo, Kormos.

**The Chair:** I declare the motion carried.

We have a government motion on page 5.

Sorry, Mr Tascona. We now have an amendment to section 1. I would now ask, shall section 1, as amended, carry? Carried.

We now go to page 5, a government motion.

**Mr Tascona:** I move that section 2 of the bill be struck out and the following substituted:

“Commencement

“2. This act comes into force on a day to be named by proclamation of the Lieutenant Governor.”

**The Chair:** Is there any discussion?

**Mr Kormos:** As if the assault on this bill wasn't complete enough, now we have what represents the potential for it being a thorough gutting. This is, “If we want to, then we'll send it off into legislative-orbit section.” On a date to be proclaimed by the Lieutenant Governor: that means this bill can pass third reading yet never become law—ever, ever. This is the government House leader-whip's sucker shot. This betrays a level of evil that has probably not been seen before in this building, here in the assembly.

I caution my colleagues on this committee: don't be trapped by this bit of legerdemain on the part of the government capos. Resist this effort to put this bill into the trajectory of legislative orbit.

**Mr Tascona:** It is 20 after 4 on Tuesday, June 25. The measures we've already carried just moments ago in section 1 in terms of putting together the governance of marriage commissioners, their appointment, training, registration, standards required for the performance of their powers and duties, that's not something that's going to be accomplished by Thursday, June 27. So I think there's some need for the approach that's being taken to make sure this works. I think that's what Mr Murdoch wants, to make sure that it works and that he achieves his dream of marriage commissioners.

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**Mr Levac:** My learned colleague to my left has much more experience in terms of the law and what happens when bills are passed and laws come into play and how he deals with them, and further to that, not to mention the support I received in the first two motions that I proposed and the support that he strenuously made me want to

comment on. He does bring to this particular section a little bit of concern that needs to be raised. In my experience in the House to date, most bills come into force when they receive royal assent. A lot of the bills I'm familiar with didn't always have the regulations in place during that particular time.

I think if the concern Mr Kormos is raising is one of maybe assurances, or discussions held, that what Mr Tascona was saying was if it's basically to give us some time to make sure that things are in place to create those commissioners, then I don't have very much concern or worry. What does worry me is it's such an open-ended process by going to the Lieutenant Governor when you declare a bill. I think that's what the concern might be. So it's more in favour of making sure the bill gets to the printer as soon as possible. I make that comment just as an observation more than a criticism. I will support that if Mr Murdoch feels comfortable, that the government of the day would probably try to get those commissioners in place as soon as possible.

**Mr Kormos:** I caution my colleague from the Liberal Party. Here's Mr Tascona today as a parliamentary assistant. I take him at his word. But all we need is one more off-the-cuff comment from a junior cabinet minister about restoring MPPs' pensions, and Mr Tascona is no longer parliamentary assistant; he's in there with a car, driver and keys to the cabinet ministers' washroom. He may not be here in a week or two weeks. So I appreciate what you're saying, and I'm prepared to take Mr Tascona at his word.

I don't know what the Vice-Chair of the committee has to say about that, because the Vice-Chair of the committee obviously is a person of status and prestige with a position of power and control. There's certainly considerable remuneration that goes with the job. So Mr McDonald, notwithstanding that he's been here but weeks, is already a Vice-Chair. There's an ascendancy that, again, an off-the-cuff comment by a cabinet minister, never mind about pensions but about the inadequacy of salaries, and before you know it, Mr McDonald is no longer the Vice-Chair; he's the minister of whatever he wants to be.

**Hon John R. Baird (Associate Minister of Francophone Affairs):** It also works the other way too.

**Mr Kormos:** Let us be cautious. It was only today that the government House leader was complaining, or perhaps it was his whip, about how there are so many parliamentary assistants that some of them are doubling up as Chairs. Is that what I heard earlier today? So that means there are only four people in the government caucus who don't have perks, who don't receive salaries above and beyond their base salaries. There are only four people out of that majority government caucus. So don't tell me that the competition isn't hot and heavy and stiff. You're talking about some people who wake up in the morning hoping to find something incredibly damaging on the front page of the morning paper about one of their colleagues, because they're insisting, “That dough-head”—as they would put it privately—“has no business

being in cabinet, and they left”—the proverbial—“me out? Clearly, I’m much more clever than that person who was appointed to cabinet. I’m much more capable. I’m more reliable. How was I to know that Jim Flaherty was not going to win? How would I know that Jim Flaherty is not going to win the leadership?” So let’s be very cautious. I exhort my Liberal colleague to vote against this legislative-orbit amendment.

**Mr Murdoch:** I’ll let Mr Guzzo go ahead, and I’ll wrap it up.

**Mr Guzzo:** I just want to say to the Liberal member that you make a very valid point. If you want to think about it, think of it in terms of the Peterson government being voted out of office with bills waiting to be proclaimed, as well as the Clark administration at the federal level doing the same thing and the bills that were left hanging. When you watch what happened there, it drives home the point very validly. But we will still vote for it.

**Mr Murdoch:** I’m concerned, but I can guarantee to Peter I’ll be here, so I’ll be able to keep it going. Maybe these other guys will be moving up—

**Mr Kormos:** Hubris, Mr Murdoch.

**Mr Murdoch:** I don’t think so. I’ve been here for 12 years so I’ll probably still be here and I’ll make sure that it gets through. I’ll keep the pressure on. I also want to thank the Liberals for putting some motions through because yours were good motions. There’s no problem. I just thought that—

**Mr Kormos:** Why didn’t you support them?

**Mr Murdoch:** I’ll tell you. Mr Kormos says, why didn’t we support them? Because I thought we had some made up in the government level that we have to work with the bureaucrats. They come up with these that we could work with. As you remember, when they first came here they weren’t going to help us at all. They’ve obviously thought about this and said, “Well, maybe there is some good merit in this so let’s work with them.” So that’s why. As I say, I appreciate the fact that you were thinking about improving my bill, and their amendments did improve the bill.

What we had to clean up, the two we voted on—or the one we’re going to vote on next will clear it up. I have concerns about the open-endedness, just like you said, but we’ll get these pushed through. I think we can do that. Peter, I’ll be here to do it. I know with your help and with help from both the Liberals and the NDP on Thursday, we will be able to give this bill third reading with all-party consent. I’m quite confident that I’ll

receive it from both of the other sides and we’ll have it done on Thursday. That will allow us to get going.

**Mr Kormos:** Mr Murdoch, do you want to work with the bureaucrats just like they worked with you on the first day of these hearings?

**Mr Murdoch:** But they’ve come around.

**Mr Kormos:** You have very short-term memory failures there.

The other thing is, let’s understand that this bill has been altered substantially by the parliamentary assistant. Every section of this bill has been repealed by the parliamentary assistant. This is not the same bill it was when it started. You can help keep some remnant there by voting against this amendment. Vote on the side of the regime and a new epoch of marriage commissioners. Make this bill happen. Vote against this amendment, Mr Murdoch.

**Mr Tascona:** The bill’s still named after Mr Murdoch.

**The Chair:** Are you introducing a motion? Is there a new motion?

**Mr Tascona:** It’s still Bill 74.

**Mr Kormos:** Let’s face it: once the bill gets third reading it ain’t named after nobody. It’s just Bill 74.

**Mr Tascona:** Actually, the intent and purpose of what the member is trying to accomplish here is happening, and I think we should proceed.

**The Chair:** Any further discussion by members?

**Mr Kormos:** Recorded vote, please.

**The Chair:** Are members ready to vote? We’re voting on the government motion on page 5.

#### Ayes

Guzzo, Levac, McDonald, Murdoch, Tascona.

#### Nays

Kormos.

**The Chair:** I declare the motion passed.

Shall section 2, as amended, carry? Carried.

Shall section 3, the short title, carry? Carried.

Shall the long title of the bill carry? Carried.

Shall Bill 74, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

*The committee adjourned at 1628.*



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