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**Official Report
of Debates
(Hansard)**

Monday 24 June 2002

**Journal
des débats
(Hansard)**

Lundi 24 juin 2002

**Standing committee on
justice and social policy**

Marriage Amendment Act, 2002

**Comité permanent de la
justice et des affaires sociales**

**Loi de 2002 modifiant la Loi
sur le mariage**

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Monday 24 June 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Lundi 24 juin 2002

The committee met at 1536 in committee room 1.

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. We are considering Bill 74, An Act to amend the Marriage Act.

As we know, tomorrow is clause-by-clause. I would ask members to try to submit any amendments to the clerk by 11 tomorrow morning. I think we realize that would help the clerk make the amendments available to everybody on the committee before we do clause-by-clause.

One other thing I will mention: there has been a discussion with respect to an emergent subcommittee meeting, perhaps when we finish the delegations today. I don't know whether anyone on the committee has any comments on that or if there has been any discussion.

Mr Peter Kormos (Niagara Centre): Discussion on what?

The Chair: On the need or advisability of a subcommittee meeting after this regular committee meeting.

Mr Ernie Hardeman (Oxford): I understand that the proposer of Bill 74 would like us to consider a subcommittee meeting to discuss the possibility of proceeding with that bill through committee some time when the House reconvenes after the summer recess. It was suggested that maybe we could have a subcommittee meeting to discuss that possibility but not necessarily make a decision on it yet.

Mr Kormos: You're requesting a subcommittee meeting dealing with Bill 74?

Mr Hardeman: Yes.

Mr Kormos: The prospect of altering our current schedule?

Mr Hardeman: Yes.

Mr Kormos: Which is probably a good idea. Is that at the suggestion of Mr Murdoch?

Mr Hardeman: No. This has nothing to do—Bill 74 is the firefighters' bill, isn't it?

Mr Kormos: No.

The Chair: That would be Bill 30.

Mr Hardeman: My apologies. It's the proposer of Bill 30.

Mr Kormos: The Chair has already written to the House leaders requesting that consideration be given to the prospect of accommodating this committee in the summertime, but I'll be pleased to meet with you in subcommittee.

Mr Hardeman: I'm at your disposal. My understanding is that the—

Mr Kormos: If we've got a vote at 10 to six, we've got problems.

Mr Hardeman: So it is just a matter that if there is time after we get through with our delegations, between that and the time we go to vote, since all three parties are represented here, we could have a subcommittee meeting to discuss it. Maybe there will be a recommendation coming back to the full committee tomorrow and maybe there won't be a subcommittee.

The Chair: OK. We'll leave that order of business.

Our next order of business, then, would be delegations.

Before we commence, I'd like to welcome my daughter to the subcommittee. I'd like to put in Hansard that my daughter Brittany is here today.

POOL PLAN ADMINISTRATORS LTD

The Chair: We have 15 minutes for each delegation. I'd like to ask the first delegation, Pool Plan Administrators Ltd, to come forward.

Good afternoon, gentlemen. We would ask you to give us your names, and then we can begin.

Rev John Carson: My name is John Carson, from London, Ontario. To make it easy to remember, I am the original, authentic Johnny Carson. I have owned and operated six limited companies. I'm a businessman. When I retired in 1986, it took three years to wind down, and I moved to my cottage at Bayfield. I couldn't stand to do nothing so I hung out my shingle as a consultant.

On one of my trips to Toronto in 1990, walking down Bay Street, an old friend of mine, Norm Robertson, shouted out some profanities at me from the other side of the street. We met on the streetcar tracks and he invited me for coffee. We exchanged business cards. He believed I could help him with his company, Ministerial Associates. His vision was terminated on Thanksgiving, Octo-

ber 1997. Together we had surveyed southern Ontario from Hawkesbury on the Ottawa River to Amherstburg on the Detroit River. The pilot project was in London in July 1992.

It is our belief that we should adopt the European method of city hall weddings, which has been proven for over a century, yet in our Ontario, a decade. Yes, I have performed weddings in various city halls in the greater Toronto area. Norm lived within walking distance of Etobicoke city hall, and we were never successful because of an exclusive contract. Several times I have been at Scarborough Town Centre, so I understand. I am also familiar with Owen Sound and the home of Mr Murdoch.

We have an Alliance Church on Wonderland Road in London. Last Saturday, June 15, at 1 o'clock, I celebrated the holy matrimony of a young couple in Strathroy at Bethel Baptist Church, which has seating for 500 and has two services on Sunday with over 400 at each. It is a beautiful edifice. When I completed their register, because of the service being in their facility, I glanced through it. In 2000, they had five weddings, and in 2001, they had five weddings. I celebrated five on that Saturday.

In over 4,000 weddings, the only complaint was that I mispronounced a bride's name. Yes, I might be referred as a Marryin' Sam, but I have led more bridal couples back to their faith background or to new beginnings. I am proud of my evangelism.

The question arises about disturbing denominations. I do not believe it is a problem, as they are all looking for a solution to what I refer to as "narrowism." In the fiat, we refer to the participants and those who tithe carrying the burden.

I would like to tell you about a London doctor who was raised and educated in Ireland. I knew him because he attended the Irish benevolent society luncheon. He was a horseman and attended the Royal Winter Fair each year. For 32 years he had lived in sin. When he told me, I replied, "Isn't that a wonderful courtship?" Yet he had been refused on numerous occasions by those who look down their nose at bridal couples and offended one or the other. In any case, he called me at noon on the day and asked to change from the chapel to his home in front of his fireplace. "For you, Doctor, I will make a house call." As I turned into his circular drive, the two lady witnesses followed. His son got married at the Royal Canadian Yacht Club in Toronto last Saturday.

I could write a book, but that is not what we are here for today. Over a period of 10 years, we have tried to move the Marriage Act into the electronic age of instant service at a substantial saving to the taxpayers of this province. You, as legislators, have the ability to endorse our program.

Mr Philip T. Mitches will outline our proposal for your consideration and answer any of your questions.

Mr Philip Mitches: My name is Philip Mitches, and I live in London. Mr Carson and I have known each other for almost 50 years, since I was a choirboy at St Paul's

Anglican church. He's asked me to help him, and I'm the facilitator in this.

I have prepared a booklet for you, which addresses all the issues that we determined were asked by the members during the first and second readings of the Murdoch bill. These are addressed in the first five pages, with comprehensive footnotes below. Attached, starting at page 7, is the actual question period of Bob Wood and Minister Hudak, indicating the minister's and the ministry's present position; the first reading and second reading extracts of Hansard, including the debates, referencing the commentary we have made in the first six pages; and a fiat that we presented and delivered to the government back in June, almost simultaneously with the introduction of Mr Murdoch's bill. In fairness, Mr Murdoch's bill had been introduced to the House about five days before our submission went to the government.

What I'd like you to note—I'll just quickly go through, and then we can go through some of the flow-charts at the back two pages. If you look on the second page, you will see footnotes 7, 8 and 9. Those three footnotes are substantive information. Firstly, footnote 8 refers to our fiat and some statistics that may not be before the committee today. Last year, when we asked the ORG statistician, Debbie Beck, she advised that 642 religions are recognized as having authority to file with her the identities of individuals who then may be registered to solemnize under the act. When I was talking to her more recently, as indicated in that footnote, she says there are four or five more and that if I use the statistic 650, that would be accurate.

Now, it's interesting that when I asked her how these were determined, I was told they were confidential. It seems to me that if religions are being recognized in a fashion that may not be consistent with the religious land orders act, which I'll get to in a minute, that may be something the committee would wish.

In any event, the general thesis of our presentation is that we do support Mr Murdoch's bill, with some amendments. Now, Mr Murdoch, and in debate Mr Kormos and several other speakers in second reading referred to it—they were worried about training, and it was inconclusive as to what training they were talking about. In some instances, it was the training of the marriage couple as to their prenuptial relationship and their marriage rights, and in the other instance it was training for the people being proposed by the Murdoch bill to solemnize weddings.

There are two different issues here: one, who is and who isn't going to train people if they're civil celebrants?

In footnote 7, you will see a history of when marriages started to take place in Ontario. The first statutory reference we could find is that of 1792, where all marriages that had happened in Upper Canada up until that time were prefected, whether they be before the colonel of a regiment—because this was a military land of the British government after 1759 when the British won against the French on the Plains of Abraham at Quebec City. That was the first thing.

You will go through and see there were waiting periods of 15 days for marriages. In 1950, that was reduced to three days, and that was carried forward in the revision of 1977, which is extensively what you have before you as the present Marriage Act. But in 1994, the three-day wait period was reduced or in fact eliminated, so there is no wait period from the date you obtain the licence to the date when you wish to get married.

1550

The reason I bring that point up is because Mr Wood's bill, which has been talked about in the debates, Bill 158 of the previous Parliament, set a five-day wait period and a training period of the couple in their relationship or marital rights prior to marriage.

I would ask that you read that material because it's fairly extensive. In it, together with the footnotes, we've addressed and cross-referenced every observation of the debaters in the second reading.

I would like you to go to the back of the book, where you will see a chart. There are two charts. Please refer to the chart which says, "Standing Committee, Legislative Assembly, Justice and Social Policy, existing Marriage Act flow." Pull that out and let me refer that to you to show you what is happening right now.

If you quickly refer to it—I asked for an easel but I wasn't able to obtain one—here's the minister, here's the registrar general and over here in block 21 is a register of those people entitled to solemnize a marriage, ie, perform the marriage service. They are elected or appointed by the clergy under section 20 to the ORG, or they are judges or JPs. They in fact keep the register, which is this box 28, which is the marriage register, but a copy of that marriage register is sent over to the registrar general for certification purposes.

Here we have a stream. Depending upon if you are an Indian or non-Indian, you can obtain a licence—I'm sorry, bridal couple here—if you're an Indian you come through and you get a marriage licence without a fee, but if you're a non-Indian you must pay the fee.

These are the people authorized to issue marriage licences. Automatically, because of your status as a clerk of a town, municipality or other incorporated village, you have a right to issue licences and the minister has discretion in other areas. You can follow this; this just gives you the present flow.

In the next chart, what Mr Murdoch proposes is a slight change to it. If you look in the block section 28, marriage register, you will see that he proposes that there be added an item (c) in that, an order in council. That's the six compulsory persons from each riding.

We don't believe that the word "shall" should be there. We suggest it should be "may" because that may not be quite correct. We also encourage amendment to allow college members of a proposed college of celebrants, which is detailed in the fiat. I'm not going to go through that with you. It's detailed in the fiat, which is that little bound book attached in our binder here before the existing Marriage Act flow. I'd ask you to look at that.

But we're also saying that Mr Murdoch doesn't address an issue which didn't come up in the discussion on second reading, and that is, it is insufficient to have the people issue marriage licences as presently constituted. There should be an ability to issue marriage licences by persons other than municipal clerks of the towns, villages or cities, or the ministers (a) through (c). We suggest that there be a new class, (d), members of the college of celebrants which we propose in the fiat.

In footnote 8 I had referred to before, if you go through that, there's a history of showing that some time in the early 1800s—it looks like 1845, somewhere in that period—the clergy were also authorized to issue marriage licences but were prohibited from performing marriage services on those couples they gave licences to, so as to avoid a conflict of interest. That's the kind of amendment that we would ask for. We're suggesting that Mr Murdoch's bill include an amendment to subsection 11(2) by adding a designation of college membership. It could be done in the same fashion as exists in 28. That is identified in a class as being authorized to issue marriage licences, that class being defined by regulation.

I'm prepared to take any questions. Thank you.

The Chair: We've pretty well wrapped up your time, sir. We have about seven delegations this afternoon. Unless there's a pressing comment from any committee member—

Mr Kormos: I just want to thank these gentlemen. This is one of the best-prepared submissions I've received in some 14 years. It's even better than some of the high-priced consultants. The fact that you read our speeches amazes me. You have to have read them because you have a footnote and respond to them, and that pleases us no end.

This really is an incredibly skilful submission. If anything, it's a template for other people in terms of the detail that you address.

Mr Mitches: The only comment I might make on that is, in order to really understand the issue Murdoch presents in his Bill 74, you have to have gone through the legislation piece by piece. Without having a flowchart for those who are not lawyers, it's impossible to understand what the mess is about. That's why the flowchart's extremely important and that's why we came to the conclusion that we should add an additional flowchart, which we call Murdoch's bill, College of Celebrants flowchart.

Mr Kormos: But then around the issue of licences, of course since banns are still allowed, licences aren't necessary. I would never recommend somebody to marry without a licence, simply because it's proof of the marriage from a lawyer's perspective for the purposes of the Divorce Act etc down the road.

Mr Mitches: I'm glad you brought out the banns of marriage because the Bishop of Huron, which is the Anglican Bishop of Huron, and the former dean of the Diocese of Huron at St Paul's Cathedral have both told me they refuse, as practice, to marry anyone by banns of marriage. If you want banns of marriage, you first get a licence and deliver it to the church, because if one of the

parties is not a parishioner of that church, there's no knowledge within the community of that parish to know the status of the people. Therefore, it's extremely important that the licensing authority person understands the act and the onus on the couple to be truthful. I'm just going to leave it there.

Mr Hardeman: I just very quickly wanted to say thank you for a very thorough and well-documented report. I would almost have to suggest that part of the report was prepared prior to you having the opportunity to be notified that you'd be speaking.

Mr Mitches: That's correct.

Mr Hardeman: It's hard to believe you would have prepared all this in that short a period of time.

Mr Mitches: The fiat, in fairness to you, was prepared for delivery on June 15 of last year. It had been delivered and it's not been changed except for some of the cosmetics of the colour.

Mr Hardeman: Thank you very much. It is a very thorough report.

Mr Dave Levac (Brant): I will be very brief. I want to echo my thanks to both of you for this wonderful presentation. A quick question on your supplementary material. On the inside there's a small add-on and it says that the—

Mr Mitches: We call that the fiat.

Mr Levac: OK. Inside the fiat—did you make this presentation at the policy conference?

Mr Mitches: We delivered it to policy delegates, yes, we did.

Mr Levac: Have you made any kind of move to do that to any other party?

Mr Mitches: No, we did not. This is the first public disclosure to any other party but the Conservative Party. I was national secretary of the Young Progressive Conservatives from 1957 through 1965. It's always been my party. We just felt it was inappropriate until the party decided. Obviously the party didn't decide to do anything because the minister has told you publicly in question period with Mr Wood—

Mr Levac: That he would not.

Mr Mitches: —that he doesn't want to entertain it. We think he's wrong, but that's a different view.

Mr Levac: No, I appreciate that. I just wanted a clarification as to why it ended up—

Mr Mitches: I'm glad you did. May I point out a little story that's on the back page, the story of Newfoundland screech?

Mr Levac: Actually, that was the one that tweaked me the most. Thank you for that.

The Chair: On behalf of the committee, thank you for the delegation.

1600

DAVID CAMPBELL

The Chair: I now call forward Mr David Campbell. Good afternoon, sir. We have 15 minutes for your presentation. You may wish to leave a bit of time in that

15 for any comments or questions from the committee members.

Rev David Campbell: I will, thank you. I am a pastor in the great city of Owen Sound and I guess it was out of our ministerial group, of which I am the president, that the original impetus for this came, in that we wrote a letter to Mr Murdoch three years ago. So I don't come as a business person or with the impressive handouts that the previous gentlemen had. I'm really just coming with a pastoral perspective.

Three years ago the pastors in our area were asked by local registrars to help perform marriages in the case of those without formal religious affiliation. During that time, a group of from two to six of us has made our services available. Out of that group I have been the busiest for various reasons. I just happen to have been more available than others. During the past three years I've wound up performing about 150 marriage services in Grey and Bruce counties.

I am assuming that Mr Murdoch's bill is going to be passed. I can see the need for it. All I'm giving are some pastoral perspectives of things I've learned which might be of some help to you down the road in terms of what you decide to do with this and some of the practical points of implementation.

The first point is that a large majority of the people who have contacted either myself or other pastors were, contrary to our expectation, not looking for strictly civil services. They were people who had just lost contact with any church or faith community years ago and somehow just didn't know how to reconnect. I would have estimated that probably no more than 5% or so requested a civil, non-religious format. Then there were some others that were of an interfaith nature; one partner might have been Muslim or Buddhist and the other from a Christian background or whatever. Obviously, there will be less of that in our area than in the larger urban centres.

But whatever the situation, I gave people the choice. The response from most of them was that the religious dimension of the service was important to them and they wanted a minister to perform the service. It still held a sacred value, regardless of the fact that they hadn't darkened the door of a church building or a synagogue or whatever for 30, 40 or 50 years.

Being a preacher, I try to make a practical application at the end of every point. The recommendation I put before you is that, if and when marriage commissioners are appointed, if you really do want to respect and honour the wishes of people, my suggestion would be that some of those commissioners should still be recognized representatives of faith communities, while others may not be. They may be prominent citizens in the community or whatever. Then people would have the choice to do what they wanted. My point is that a lot of these people are not non-religious or anti-religious people; they're just people who have fallen between the cracks and don't have any connection any more.

The second point that I make in the handout that is before you is that most of the people wanted a service,

including references to God, the Bible or whatever. Other people wished to write their own service with God in it, without God in it. Some people would take a mixture of a service that I provided and their own. My recommendation is that marriage commissioners, if and when they are appointed, should be free to use a variety of service formats, whether they're religious or not. People should have the right, within reason, to choose what they want to do. I guess we're in the people business. People are important, I feel, and I would appeal to you that you make this as easy for people and accommodate them as much as possible.

My third point is that I've discovered that most people have a specific location in mind where they wish to be married and in that respect the system sort of works better without the justice of the peace. They don't want to go to a courthouse or something and say a few words. They want to get married at somebody's house, a community centre, a hall, on an island, on a ferry, in a hot-air balloon—I gracefully declined that—and all sorts of different places. But the point is they usually have a special place in mind. In rural areas, such as the one I live in, a lot of traveling can be involved. I note here that one day I must have driven a couple of hundred kilometres doing three different weddings in different places.

People not only have a specific location, but they have a specific time. Most people want to get married on Saturday or maybe Friday night. So they don't want to appear in a courthouse and say a few words before some official during business hours. I don't really know what you have in mind in terms of the practical application of this. All I'm doing is throwing out some suggestions that I think would benefit people. I know you're in the business of benefiting people and that's what you want to do. These are only my suggestions to you.

Those who desire to be marriage commissioners should be mandated with the commission to perform weddings, within reason, at times and places suitable to people who wish to be married. A lot of times it's a Saturday, and there may be people who don't want to do that on Saturday. That's their day off. But I feel that if we're going to honour what people want, those who would be appointed as commissioners should be willing to do that and also, within reason, should be willing to go to the places where people would like to be married. So there is travelling involved.

My fourth point is that some weddings are very simple. Sometimes there are only the couple and the witnesses, sometimes I've had to supply the witnesses. Most weddings are more complicated than that. In all the weddings I've done, only once did they employ a wedding planner. So the pastor becomes the wedding planner *de facto*, whether you like it or not. If the minister were simply to turn up and repeat the words of a service and do no more, calamity would result. There are all sorts of logistics. You have weddings in people's yards, in halls. How are you supposed to set it up? Most often, people don't have a clue. They're looking to you for advice. What about the music? How are you supposed to

organize that? The photographer, the videographer, how about the wedding procession, the registry table? There are all sorts of different things. People have special requests to incorporate into a wedding. The bottom line is you have to sit down with people and work it out in order to achieve what they really want. This is an important occasion for them. I desire to honour them. Again, there are some unpredictable things, such as dogs as ring-bearers, and I won't go into what happened at that wedding. But within reason, we need to accommodate people.

So my recommendation is that marriage commissioners must be able to deal professionally with all the aspects of the organization of a wedding service, even as ministers have done over the years. It is not honouring people to treat this most significant event casually or just leave them to their own resources. That's just a practical point I'm throwing out.

My last point is that those other pastors and myself who were doing this discovered early on that people would phone around and book somebody else and then they'd phone me. None of us are running a business. We're all pastors of churches. We're doing this in our spare time as we can to help people out. With "I'll charge \$75" or "I'll charge \$50" or "I don't charge anything," we discovered that some people were pretty shrewd and adopted the free market to their benefit. They booked one fellow who was charging \$100 and they would find that I was only charging \$50, so they'd book me and then never bother cancelling the other and both us would turn up. So even preachers can get smart after a while and we kind of pooled our resources and decided that we'd better try to charge approximately the same fee. The other problem is how you charge if you've got to drive 50 kilometres or you're driving an hour, and that sort of thing.

1610

I really don't know what the answer is, but I would think if you're going to appoint a marriage commissioner, you ought to set some kind of standard fee and take this burden off the backs of people. In view of all that's involved, usually the minister is the least expense in a wedding. They probably spent more on the tuxedo than on the pastor, which is fine. But in view of all that's involved, I would think not less than \$150 would be a reasonable fee—most people don't really have any problem with that—and then however you allocate a time and a mileage allowance, or you just leave that to be locally negotiated, I guess. I know there are marriage commissioners in other provinces and maybe they already have ways of doing this that you could just borrow.

My conclusion is that some amount of training would have to be provided to these people, particularly for those who maybe have never conducted weddings before. The training would have to include pre-wedding interviews—I'm not talking about pastoral counselling; I'm talking about wedding organization—types of services, where to locate services—on the Internet, in books, whatever—logistics of the wedding service, how to operate in different types of locations, the handling of forms and fees. I often wind up helping people fill their forms out. Maybe

you'd have to offer a one-day seminar to train people. If there are so many commissioners in each constituency, I think they should probably be mandated to meet together once a year to share their experiences, notes and so on.

That is my presentation. I really appreciate you allowing me to come and share my thoughts with you.

The Chair: Thank you, Rev Campbell. Ms McLeod, we have about two minutes.

Mrs Lyn McLeod (Thunder Bay-Atikokan): May I ask you first of all, are you able to draw on the services of retired clergy in order to help with the demand that's out there?

Rev Campbell: Some denominations withdraw the number on a person's retirement. I'm just going through my mind. There are some retired clergy who do perform weddings. I know that. None of them has made their services available. We canvassed the ministerials for anybody who would be willing to go on a list at the city hall and none of them did. I guess they figured if they were retired they'd like to be retired. But I know there are retired clergy who do perform weddings and they certainly are a resource.

Mrs McLeod: I know this would be a somewhat subjective analysis on your part, but do you feel that many clergy are as open to the idea of marriage commissioners performing non-church weddings as you have been in your presentation today?

Rev Campbell: I think probably. When it went through our ministerial group, we recognized that there were people who were falling between the cracks and how were their needs going to be met. I think most ministers are committed to seeing people's needs met by whatever means necessary. Some people don't want a minister involved and some people do. Let's give them a choice.

My only suggestion is that if you do appoint commissioners, some of them should be representatives of faith communities so that people who are coming into the registry offices would have the choice to make themselves. I don't think you'd get too much opposition within the church community to this. I wouldn't think so. I could be wrong.

Mrs McLeod: So the whole issue of it being outside the church is not an issue?

Rev Campbell: Outside a church building?

Mrs McLeod: Yes.

Rev Campbell: No. I think within the Anglican and Roman Catholic churches, they're mandated to perform weddings within the church building. But in any other church community, just from a Christian perspective, I don't think there's any issue about where you perform the wedding. That has always been legal in Ontario. You can do a wedding anywhere, can't you?

Mr Kormos: Thanks for your submission. There has already been some input with respect to the proposal that people who already have status by virtue of section 20 with a denomination not be entitled to be commissioners because the suggestion is they should be using their status, but then there are contrary views as well.

Bill Murdoch has tried to make this simple for obvious reasons. Granted, three-year terms are being proposed, but how would you control somebody who crossed the line? I understand you read about nude weddings and snorkel weddings and everything from the wild to the wonderful, and very little offends me, but there are certain lines you cross that are perhaps repugnant to public senses of decency. I'm not talking about the nude wedding; quite frankly that doesn't offend me a whole lot, but I think there are some pretty wacky—well, at the end of the day, if somebody wants to, God bless them. But I'm talking about the stuff that crosses the line—I don't want to suggest things—where it becomes entirely repugnant, from, let's say, people considering it undignified, where it lends itself to expressions of values or attitudes that are dangerous ones socially. How would you regulate that?

Rev Campbell: I've never had that happen.

Mr Kormos: Nobody's going to ask you because you're a Christian pastor, right?

Rev Campbell: Yes, but I am listed as being willing to perform civil services. I'm just saying that's never happened to me. But whether you're a pastor or whether you're a marriage commissioner who is not a pastor, to me everybody has values. So I assume you would build into the legislation some defence for a marriage commissioner if they felt their own values would be offended, that they would not be legally obligated to—I don't know.

Mr Kormos: Let me be blunt. Something that comes to mind is, what if you had somebody who got himself or herself a commissioner status who wanted to do sort of white Aryan Brotherhood weddings. That's an example of something where, to me, I'd say, "No, sorry, you've crossed the line." But if that person's a commissioner and he finds two people who want to participate in that kind of, albeit perverse, ceremony, how do you deal with that?

Rev Campbell: I guess you watch very carefully who you appoint, because if you appoint the kind of person who is into that kind of thing—nobody who is into that kind of thing should be appointed to any public position, should they?

Mr Kormos: I agree.

The Chair: Thank you, Mr Kormos. On behalf of the committee, Rev Campbell, we thank you for your brief.

FREDERICK STYLES

The Chair: I wish to call forward the next delegation, please. If you could have a chair, sir, and present your name for Hansard.

Rev Frederick Styles: I'm the Reverend Dr Fred Styles from Markham, Ontario, and I want to thank the committee for offering me the opportunity to speak in support of Bill 74. Through the years since my ordination in 1964, I have carried out hundreds of weddings, and for many years I have been concerned with the standard approach of many clergy to the marriage services for which they are asked to officiate. In 1970, I wrote a

secular marriage service to meet the needs of persons I encountered in my own ministry. These were individuals who were honest enough to admit, after we'd established a trust level, that they had no particular religious convictions at all and who found it offensive that at such a significant time in their lives they were being encouraged to give lip service to concepts they didn't believe and commitments by which they had no intention of living.

At the time, the only alternative was a civil service, a legal formality too often barren and sterile, stripped of beauty and dignity and often carried out in unpleasant surroundings. For many sensitive people, the civil ceremony has been a two-minute experience, leaving them bitter for years about the starkness of the service to which they had been subjected. Certainly there are those who chose the civil ceremony deliberately because of its lack of ritual, but others made the choice because they regarded the event as too significant to compromise with a religious ceremony that was simply meaningless to them. Their lack of convictions, or perhaps negative convictions, about religious matters should not cause them to be treated as though they have no appreciation for the importance of marriage or of the significance of the step they are taking in their lives.

In addition, a growing number of clergy would sooner not be involved with weddings for persons outside their denominations or, indeed, outside their own congregations. I encounter this frequently. Some have begun simply to refuse to carry out such services. But we live in a pluralistic society, as everyone is aware, with many religious faiths represented and an increasing number of persons who claim no association with any specific faith at all. This attitude creates a vacuum in which some persons find they must leave their social communities to be married elsewhere because there is no one licensed who will marry them in their own social setting. Even within my own congregation, from the counselling I have done with married couples, I can say that they rarely regard marriage as a primarily religious matter. They regard it as a commitment to one another in which their families and friends are involved as a community of concern.

Bill 74 would provide for marriage commissioners who would be authorized to carry out weddings without regard to the religious stance of those being married, with the realization that those who do have a religious association can then have the service blessed or solemnized by the religious leader of their choice in a specifically religious event. Indeed, there is a sense in which the religious ceremony, then, is not stripped of its dignity by people saying tongue-in-cheek things that they really don't mean.

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I believe this approach works well in other countries, European countries, where all marriages are regarded as legal and social ceremonies with the religious dimension given emphasis by those who wish it in a further ritual carried out within the specific context of the religious institution. I also believe that there are a number of persons available like myself, who are both experienced

and capable of bringing to the office of the marriage commissioner the dignity and decorum that would make for memorable services, satisfying both emotionally and spiritually for persons, whatever their religious stance, in keeping with the style of life they have chosen for themselves.

That's my presentation, and I'd be glad to answer any questions people may have.

The Chair: Fine. Thank you, Reverend. Questions? Mr Hardeman, we have about seven minutes.

Mr Hardeman: Thank you very much for your presentation. I didn't get a chance to discuss it with the last presenter, but I believe you were present, and I just wondered maybe if I could get your comments on the issue of making sure that when we look at appointing commissioners that you appoint some clergy to be able to do that, to give people the opportunity to use a somewhat religious ceremony or a religious ceremony outside a church structure. Do you think it would be required that they be appointed or in fact that they could carry on doing what they do now if we didn't take that ability away from them?

Rev Styles: I don't really see it as necessary that clergy people be appointed, although that's obviously a choice; they're experienced and have worked with this before. But it seems to me that there are plenty of people. The issue of retired clergy came up and I think it's a pity that retired clergy who have many years of useful service left are stripped of their licence to marry simply because they've come to the end of their career in a congregation.

Mr Hardeman: In that vein, I guess my question really comes down to that we've heard a lot in the presentation that would direct us to, once the commissioners are appointed, it's not a competitive thing; it's not a choice of which commissioner the couple decides they want to choose but, in fact, every commissioner would be obligated to do the process. Is there not a concern from the clergy that that would cause a problem, that they would then be asked to do it in such a way that was not fitting to their own beliefs, if they were appointed commissioners and then fell into the realm of, "This is the way we do it"?

Rev Styles: Yes, that's certainly true for many clergy right now. Indeed, I have a wedding coming up at the end of this month in which the bride and groom specifically asked the minister who was to carry out their service for a non-religious service. They are not religious people; they wanted to have a service with dignity and beauty and something that would hold high the commitment they have to one another. But when he came to them with the service they had asked for, there was religion in virtually every other line, and they simply said, "We can't say this. We can't do it." So they came to me and said, "We've seen your service performed. We'd like to have it as our marriage service."

I've also had the experience of having Jewish or Muslim parents come to me and say their son or daughter is being married outside the faith and were very concerned about this. "But we've seen your service performed and

we feel that it has the spiritual qualities we'd like to have honoured in our children's wedding. Therefore, we'd like to use that." I think what you need to require of the marriage commissioner is that he or she be open to people different from themselves.

Mr Levac: Thank you very much for your presentation. Is there an opportunity to get that in writing, or do we get that from the clerk?

Rev Styles: The service?

Mr Levac: Your presentation today.

Rev Styles: Oh, yes, of course.

Mr Levac: Can we get that sent to the clerk? We'd like to have that some time. Thank you very much for that.

I guess maybe the question I have is, is there anything in the bill you see right now that you'd like to see modified or changed that would improve it—not necessarily kind of break it apart but improve it—and make it even better than it presently is?

Rev Styles: I felt it was pretty acceptable from my perspective. I've heard what some of the other presenters have said, and there may be value in that. From my own perspective, the bill is all right.

Mrs McLeod: Can I just express my appreciation? I thought your presentation was excellent and really responded to the concerns we hear from a number of people.

Rev Styles: Thank you.

The Chair: On behalf of the committee, Reverend Styles, thank you very much for coming forward.

DAVID MURDOCH

The Chair: I would now ask our next delegation, David Murdoch, if present, to come forward. Good afternoon, sir. We have 15 minutes. You may want to leave a few minutes at the end for any comments from committee members.

Mr David Murdoch: Mr Chairman and honourable members, my name is David Murdoch. I'm a layperson. First and foremost, I would like to make it known I support this amendment that has been brought forth by Mr Bill Murdoch, MPP for Bruce-Grey-Owen Sound.

On Saturday, March 18, 2000, I attended a wedding just north of Grafton, Ontario, which was performed in the Royal Canadian Legion Hall in Fenella, Ontario, by a justice of the peace. Prior to the actual ceremony I was speaking with the lady justice of the peace regarding another matter, and through our conversation she advised me that JPs would no longer be involved in performing marriage ceremonies in the future and that such ceremonies would be done by lay people. She had no specific information on the matter, other than changes were going to take place at some later date. She further stated that the government was now looking at the issue and was starting to prepare the way for making the necessary changes. She further said that if I was interested in getting involved, I should make it known to the necessary authorities. She went on to say that justices of the peace

were now far too busy with matters pertaining to the courts.

I made a phone call on Monday, March 20, 2000, to the office of the registrar general and spoke with a gentleman. He advised me that the change was in its very early stages and that it would be some time before the legislation would actually be written.

The Toronto Daily Star reported on Wednesday, April 19, 2000, that the provincial government will allow marriage commissioners to do the job. The media reported over the radio earlier in the day that the position would be considered for retired civil servants.

I had been employed with the Ontario government, Ministry of Community and Social Services, from December 1, 1975, through to August 31, 2000. As a result of the government's downsizing, my years of service and my age, my window opened for the factor 80 program, for which I decided to take leave in early retirement. During this course of time I worked as a caseworker for 17 years. I dealt with caseloads from 490 families to 1,200 handicapped, aged, single and married individuals. In August 1992, I applied for the investigator's position, namely, eligibility review officer, and remained in that position until the time of my departure from community and social services.

During the course of my 25 years of service with social services, the position was quite demanding, with a great deal of responsibility. I was also a commissioner of oaths and affidavits within the position of caseworker/eligibility review officer. I have always taken my duties quite seriously and have conducted and discharged them responsibly and in a professional manner at all times. I have appeared in court and at appeal boards as a representative of the ministry on numerous occasions over the years dealing with decisions that were made by the director.

Over the past 12 to 15 years I have also worked as a freelance wedding photographer for a studio in Toronto and also privately. I have shot many different types of weddings, from the very small to the most grand or formal, and have witnessed many different wedding ceremonies, with a variety of traditions within the same religion but different nationalities and cultures doing things just a little differently.

I have seen wedding ceremonies performed with the greatest of care and with what appeared at the time to be little or no concern at all; in other words, just plain sloppy. The dignity and solemnity of the ceremony would be in the hands of the marriage commissioner, along with the desires of the couple getting married. However, I do believe the ceremony should be conducted in a way that is respectful and dignified, and the marriage commissioner should take every step to avoid anything being taken lightly. I must say the experience of religions, from Protestant, Anglican, Roman Catholic, Russian Orthodox, Ukrainian Orthodox, Jewish, Hindu and so on, has been fantastic and very educational at the same time. I have seen brides and grooms take and repeat their vows from the most formal to the point where I saw a

groom read his wedding vows from the palm of his hand. He wrote them on his palm because he was so nervous he couldn't remember them.

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I believe marriage commissioners are needed to fill the gap that is in our communities throughout Ontario, as there are so many people nowadays who want to be married but are just not ready, for whatever reason, to make any commitment to an established religion in order to get married in the denomination they may seek. On the other hand, many clergy are not in a position to perform wedding ceremonies, either due to their obligation to their church or personal beliefs. Some Protestants are more liberal and free than, say, the Anglican, Roman Catholic or Orthodox, as the latter are not allowed to perform wedding ceremonies outside the proper church building. Canon law forbids it. So for these people, garden and outdoor weddings are impossible. A few years ago a cousin of mine getting married just wanted a simple, quick wedding, so she and the groom ran off to the city hall and avoided the traditional trappings of a church wedding.

Costs to be married vary, like the styles and traditions of weddings, from one denomination to the other or, for that matter, from one church to the other. In the Christian world white envelopes are usually passed around at the rehearsal: one for the priest or minister, organist, caretaker, soloist and so on. Sometimes it's looked upon as a donation to the church and more often than not you are told what to put into the envelopes for the above. I knew one Anglican priest, for example, who, if you attended his parish on a regular basis, expected nothing of you at all. He regarded the matter as being his job as your parish priest to perform the ceremony without remuneration. The cost many years ago was a mere \$50 for the officiant. Now it runs into the hundreds. Over the years I've listened to people complain about the cost of getting married in the Catholic Church, where they feel it should be done at no cost to them, especially if they are regular parishioners.

On one Saturday I was photographing a wedding at a golf course, and when I arrived I was seeking out the minister who was to perform the ceremony. He was a Welsh Methodist minister and he said to me, "We must not be late because I have another two weddings after this one, and this is my seventh wedding so far today." I came to realize he was a very busy man and he was also driving a very nice car—in fact, much nicer than my old jalopy. I also had a friend whose daughter remarried outside the Catholic Church due to a divorce and was remarried by a Unitarian Church minister. They were charged \$350 for the ceremony. This is now going back a few years.

I would recommend that when considering individuals for marriage commissioners, they be licensed for the province of Ontario and not just the electoral districts, due to the fact that many family members and friends are so widely scattered throughout the entire community. It might be the occasional opportunity that a friend or

family member who resides in Kapuskasing, Sault Ste Marie, Thunder Bay, Ottawa or even Kitchener-Waterloo may want a marriage commissioner who might be related to them to perform the marriage ceremony, rather than the local commissioner. The relative who is the commissioner may have a very special connection to the couple getting married.

Once the legislation has been approved and put in place, I have no problem with regulations and guidelines, as we, being responsible individuals, need to be held accountable, and there is nothing wrong with this concept. Perhaps if something should take place that could be taken or interpreted as being rather unorthodox, then that commissioner could be given some direction and guidance for the future.

I believe my years of service, experience and training as a social service worker and photographer have prepared and provided me with an excellent background for the position of marriage commissioner. I am quite interested in this new position being created by the Ontario government and believe I would be an asset as a marriage commissioner to the community and to the people whom I would be serving.

I take this opportunity to extend to you my sincere and heartfelt thanks and appreciation for giving me the opportunity of speaking to you today on such an important matter now before the government of Ontario.

The Chair: We have about two minutes till the next delegation. Mr Levac, do you have a comment?

Mr Levac: I appreciate the opportunity. Thank you for your presentation. It's obviously well thought out.

There has been a recommendation for the creation of a college that would take care of most of the issues you've talked about in terms of how far the people can go, who should be appointed and all that kind of stuff, and in terms of regulations and rules governing. What's your opinion on the creation of a college?

Mr Murdoch: Of costs?

Mr Levac: A college of commissioners.

Mr Murdoch: I wouldn't have a problem with that at all. I think perhaps it might be a good idea. The only thing I was making reference to in the legislation was putting in some specific districts. That is, say you had a friend or relative who was in Sault Ste Marie or whatever, that they would be allowed to perform that ceremony if they were so chosen by the relative, who might be a commissioner. That was the only thought I had. But as far as a college is concerned, I wouldn't have a problem with that.

Mr Levac: If you look at a lot of the other colleges that are already in place, a lot of that kind of performance is already taken care of within the scope of that particular college or group. They say, "You can do this. You can do this here or there."

Mr Murdoch: Yes. I wouldn't have a problem with that.

Mr Levac: I appreciate it very much. Mr Chairman, that's about all.

The Chair: On behalf of the committee, thank you, Mr Murdoch, for that presentation.

I would ask for our next delegation, Abba Ministries. No? We can call them forward at a later time.

FRANKLIN PYLES

The Chair: The next on our list is the Christian and Missionary Alliance. Is anyone present here? Good afternoon. We have 15 minutes, sir. You may want to leave a few minutes for any questions. May we please have your name for Hansard?

Rev Franklin Pyles: I'll be very brief, Mr Barrett.

My name is Franklin Pyles. It's a privilege to be before you today and to speak in support of Mr Murdoch's private member's bill, Bill Pr74. For 14 years I served as a pastor in Mr Murdoch's riding. Currently I am president of the Christian and Missionary Alliance in Canada, Canada's second-largest evangelical denomination.

I and my fellow ministers in Owen Sound, as you already heard from Pastor Campbell, suggested to Mr Murdoch that some changes to the Marriage Act would be appropriate, when as a result of budget cuts the civil servants in Owen Sound who were performing weddings ceased to do so. I'm not sure if this practice was uniform across the province, but for us it created a bit of a crisis in that folks who did not have a church or a religious affiliation and perhaps did not want one but who wanted to be married were forced to turn to clergy in order to get married. I'm happy to see that Mr Murdoch has followed through with a bill that opens at least a small window of opportunity to allow people to enter into matrimony in one of several ways.

From the standpoint of the province, marriage is a legal condition, a contract, and thus it's proper for the province to regulate who may officiate, but the law should create a situation that is broad enough so that someone can officiate. I believe Mr Murdoch's bill does that by creating commissioners. We create a number of people who will not see performing weddings as an option, as is the case sometimes with officials such as judges, but who will accept this as the purpose and duty that they have been appointed to and thus they will be available. I believe this will encourage those who wish to be married and add to the orderliness of our society and I ask the members of this Legislature to pass this bill. Thank you.

The Chair: Thank you, sir. That leaves a bit of time for comments and questions.

Mr Hardeman: Mr Pyles, we've heard, particularly today but even the last day we had hearings, about appointing the commissioners in the geographic areas, and I think there's a suggestion there should be six appointed in each geographic riding of the province. That would make 618 marriage commissioners. Would you see it as important that they were appointed to do the job just in their ridings—I think the last presenter spoke to

that—or should you appoint 618 commissioners who could then be commissioners throughout the province?

Rev Pyles: I would certainly say their authority should range throughout the province. Pastors' authority ranges throughout the province to perform weddings, as do all the other officials' right. I certainly wouldn't limit them to a certain little spot. If, for whatever reason, they wanted to travel, that would certainly be fine.

1640

Mr Hardeman: If you had 618 appointed, would that be sufficient to suggest that it's an open market? We still have all the clergy providing the religious ceremonies, and for the civil ceremonies we have 618 people. Would the requirements, or saying, "You have to do it this way or you have to do that way"—could that be left to the people themselves to make that choice of who provides what and how?

Rev Pyles: Absolutely.

Mr Hardeman: That's what we need?

Rev Pyles: That's what we need. We need to create a window for those who need a civil ceremony and for some reason or another the judge or other folks can't do it, aren't available, and these people are available. I don't know that there would be enough so that this could be a living for someone, but this person would be available. So that creates that kind of an option for them; they can book them.

Mr Hardeman: Last but not least, on the same topic, do you think it would be important that the price would be set for what they are allowed to charge? Or if the marriage commissioner said, "I want \$150," should the couple be allowed to shop for one who will do it for \$100?

Rev Pyles: I'm not familiar with whatever regulation—I don't understand that. Would you put that into the bill? You wouldn't put something like that into the bill, would you? Is there some other way you would handle that? Probably they should all charge the same thing. Is there a way when judges do it? Is there a uniform price? I'm unfamiliar with how that side works. I would say it would be helpful if they were all charging the same thing. I don't know what your mechanism is.

Mr Levac: Thank you very much for your presentation, Mr President. Did I hear that right—president of the association?

Rev Pyles: Yes. I should also throw in here that actually I'm the one who instigated this whole thing.

Mr Levac: Good for you.

Rev Pyles: I talked to Bill back in the day and we all gathered and I talked to the pastors. We brought Bill in and he sat with all the pastors of the country sitting around him.

Mr Kormos: That's interesting. Bill said he had to drag you guys kicking and screaming into—

Rev Pyles: Yes, right. That would be something Bill would say.

Mr Levac: I did have a question. I want to follow up on what Mr Hardeman was saying about the 618 commissioners. The concern I would have is, if we did it at

large we may end up getting 600 from Toronto or 600 from Ottawa and then ask them to disperse themselves. Would you agree, though, that by district there should be enough to accommodate those people who have been saying to us in their presentations that there haven't been enough people available in the rural or small urban areas?

Rev Pyles: I guess I understood the question that they were resident in the ridings but that they had authority to exercise their—

Mr Levac: So the idea would be that their authority would be distributed through the whole province but we would still have them in the area. So if my uncle happens to live up in Thunder Bay and he wants to perform the ceremony for one of my kids, then he would come and still have the authority to do so.

Rev Pyles: Yes, that's what I understood the question was.

Mr Levac: I just wanted to make sure we were clear on that.

Further to that, there's another question I have about—I'm going to keep asking this now that I've been alerted to it; it's not in the bill—the creation of a college that basically has this oversight authority of this particular group of people, the commissioners, to ensure that we have met a standard and that we have practices and regulations that will be taken care of by the college. Can you comment on that?

Rev Pyles: I would say, just don't get too carried away with that. If there is some kind of a group, or self-regulating group, that's fine. Do you know what? Can I just be a little bit informal here with you? If a couple decides to live together in this province and they're living together for a year, basically the province says you're married. Do you know what I mean? That's not regulation. It's creating all kinds of—Nova Scotia is having a problem with that. They're having court cases and everything else. I can tell you all sorts of stories, just like David, but the point is that the person who does the wedding has to have some kind of comfort level with what's going on. They should have some authority to say no. This is sort of answering a question that came earlier from Mr Kormos. I don't think it would be a good idea to say, "You have to perform any wedding." There should be some authority of a person to say, "I get airsick. I don't want to do this in a hot-air balloon," or something. I just don't think we should get too carried away.

The point is, people want to get married. It's not a long thing. They want to get married. Basically, the main job of the person who officiates at the marriage is to walk them through some kind of promise to each other and to certify that this happened to the province. That's their main job.

Mr Levac: But you do see the value in some oversight, is what I guess I'm really getting at.

Rev Pyles: Some kind—

Mr Levac: Because I do refer to my friend on my left-hand side. Mr Kormos made comment about a ridiculous expectation so that we can come back with that oversight and maybe make a ruling.

Rev Pyles: I would say that they should reach some kind of agreement on prices and things like that.

Mr Levac: Thank you for that.

Mr Garry J. Guzzo (Ottawa West-Nepean): Reverend Pyles, I want to commend you and Reverend Campbell. As I understand it, what you're telling this committee today is that you approached the government member for Bruce-Grey-Owen Sound and you have experienced a positive reaction in having this bill come forward.

Rev Pyles: We have.

Mr Guzzo: I want to tell you that in my seven years here I've watched three whips and two Premiers attempt to do the same thing, and actually a whole caucus, without much success. So if you have the formula, I would ask you to make it available. Thank you for your presentation. I wouldn't say that if he were here to defend himself.

Rev Pyles: Bill would pull in behind my house with his truck, and I'd just go out and talk to him once in a while.

Mr Kormos: My apologies. I had to leave the room for a phone call.

As you know, the act prescribes only three sentences that are mandatory. There are three things that have to be said by the parties, led by the celebrant, and the form-filling. It's a relatively simple requirement in terms of what the legalities are, so I'm not overly concerned about the training element and so on.

I'm wondering if in terms of, again, the prospect of a college, which was proposed earlier this afternoon—granted, the Ministry of Consumer and Commercial Relations in its new status, a whole lot of things that it supervised have already been put out to self-regulation. Is there any reason why one of the existing supervising authorities—and I don't want to burden the Integrity Commissioner with any further jobs—the registrar general, for instance; is there any reason why the registrar general and his or her office could not ex officio perform this modest supervisory role, which is as much about keeping track of the paperwork and auditing it and making sure that the licences are filed? Is there any reason why it couldn't be done as simply as that?

Rev Pyles: I really have hardly any comment. Some kind of mechanism is the sort of thing you folks do. I really haven't thought through that aspect of it. I think we're looking for something on the ground. What's behind it, what kind of accountability these folks have to make sure they're doing the job—I would just caution you about setting up a group that would become a lobby in itself, an authority in itself and pretty soon you're paying these people or something like that. That's why I said it needs to be something simple, on the order of notaries public. You get the authority to do this and if you do it, you do it, and if you don't, you don't.

Mr Kormos: The other thing about fees, yes, judges and JPs are the only ones who are regulated. They have to charge \$75 and it has to be remitted to the government.

Rev Pyles: That's why they don't have any motivation. I didn't know that. I didn't know how it worked. I knew there was something.

Mr Kormos: I suppose you could wrangle an invitation to the wedding reception, if there is one, depending on whether or not it's an open bar.

You talk about the prospect of setting fees. My understanding, when we heard from other pastors and clergy people here last week is that these are—does it range from a pastor or a clergy person telling a person, "This is my usual fee," to saying, "Whatever it is you want to give me"? Give us, in a couple of seconds, how that works.

Rev Pyles: That's how it works. If they wanted to give me something, I accepted it and it went into a certain fund. Some churches or their elders' board or whatever set a fee so that there's kind of a uniformity. So that's how it works. Sometimes they have a package thing because the church is doing quite a bit for them.

Mr Kormos: A choir.

Rev Pyles: No, they're usually doing extensive counselling or they have a certain person who does it, so there's a whole thing that goes through. There's extensive counselling. Sometimes the package may include the janitor, all these other things. Whereas we did charge for those kinds of ancillary things—you had to have somebody clean up and so on and so forth—but what I got was just anything they gave. Sometimes they gave something, sometimes they didn't; that was for the church when I was operating as a pastor.

1650

Mr Kormos: Because then the question becomes, if the interest is ensuring that people do get married, because of the legal implications and access to the Divorce Act and certain parts of the—subject to that east coast appeal decision—

Rev Pyles: It should be a reasonable fee.

Also, David was talking about them travelling and all that. To tell you the truth, that was something David was willing to do and I wasn't. He and I did these civil marriages in Owen Sound and I just told my secretary, "If they want to get married and have a civil marriage, they come here. I'll do it in the office. They don't have to do it in the church. I'll do it right here in my office or whatever, but I'm not travelling." I did that once or twice. I went off to Sauble Beach and couldn't find them. Forget it.

Laughter.

Rev Pyles: I'm serious. This is where your college comes in. For somebody who is reasonable, I don't think you can expect the commissioner to be driving all over and doing all kinds of crazy things. If there's anything the college or something like that would do, it would be to protect him or her from that sort of thing.

The fee should definitely be reasonable. It should be a modest fee, because people have a right to get married, they do. That's a basic, fundamental right the province should offer people.

Mr Kormos: It goes one further. These folks talked about e-mail or Internet access. Should there be a way of wrapping it up simply at the same time as the licence application is made, with the same officer, where there is no celebration, no ceremony, where it's simply an acknowledgement of the mutual obligations in terms of the law—end of story?

Rev Pyles: I didn't hear that. They weren't saying they would be married by e-mail.

Mr Kormos: No, they didn't suggest that. But they talked about using Internet as one of the means of obtaining licences. But should this go one further? The clerk performs a merely administrative function at city hall. Should that same clerk be allowed to have two parties sign—

Rev Pyles: As I recall, in Ontario—correct me if I'm mistaken—there is no waiting period. Or is there a waiting period between the licence and the marriage?

Interjection.

Rev Pyles: No waiting period; I'm correct in that. But in some places, there is. Of course, that used to be because of some protection.

I know you have probably heard enough anecdotes, but I was called once and this guy was saying to me, "I want to get married." I said, "Well, who do you want to get married to?" He said, "What's your name again?" on the phone.

Laughter.

Rev Pyles: I'm serious. This actually happened. So I said, "I don't think I really want to do this."

But there is a problem there, from the practical standpoint, of course. People sometimes rush in where angels fear to tread, so to speak. But actually, the law is that there's no waiting period. So I would have no objection to that. They buy their licence and the person who sells them the licence is right there and is able to do it if they want it.

Again, I feel that marriage is a foundational right of humanity. In all religions and all cultures in all human history, they have some way of people marrying. Think about that. That's a uniform thing throughout, as long as we can remember, in human history. In all cultures, they have some way for a man and a woman to say, "We're together and this is for life," and they go forward and this is a family. They have some way of doing that. They have different elaborate ways of doing it and different traditions, but it's a fundamental human thing. It needs to be as simple as possible and accessible.

So I would be very opposed to high fees or anything that would begin to make it another barrier, so that they go home and say, "Well, we can't afford it, so we'll just live together." If they want to live together—I have religious objections to that, but the point is it shouldn't be because they can't afford to get married. That's really sad.

The Chair: On behalf of the committee, I wish to thank you, Rev Pyles.

Rev Pyles: Give my greetings to Mr Murdoch, who I haven't seen in a while.

Mr Kormos: We'll tell him you were here.

The Chair: Rev Pyles, I just had a request—

Rev Pyles: Honestly, I didn't realize we had been doing that. I have it handwritten, which I'll give to you.

The Chair: The clerk can make photocopies if you would like a copy.

Rev Pyles: You may have it. I'll sign it.

Mr Hardeman: It will be in the Hansard.

Mr Kormos: Now it will be in the archives too.

The Chair: Thank you, sir.

TORONTO CONFERENCE, UNITED CHURCH OF CANADA

The Chair: I wish to call forward our next delegation, the Toronto Conference, United Church of Canada. Good afternoon, sir. If you could give us your name for Hansard, we have 15 minutes.

Rev Michael Kooiman: Thank you. My name is Michael Kooiman. I'm representing the Toronto Conference of the United Church of Canada. The United Church of Canada was asked, in a letter from the Honourable Norman Sterling, to comment on Bill 74 and to respond to specific questions concerning the experience of the church with regard to civil marriages in the province of Ontario. The Rev David Allen, the Toronto Conference executive secretary, related questions on civil marriage to the executive committee of our conference and, hearing their response, wrote to the minister and expressed the views of the church within the bounds of the Toronto Conference. This afternoon, I will review the motion of the executive committee of the Toronto Conference and elaborate on Rev Allen's response to questions posed by the minister.

By motion, it was agreed that the executive committee commend MPP Bill Murdoch for his initiative in Bill 74 to amend the Marriage Act to provide for the appointment of marriage commissioners. The motion further recommended that the bill be amended to include a requirement that commissioners be trained in relationship dynamics and that it authorize them to preside at the solemnizing of same-gender covenant marriages.

To begin, I would reiterate that the Toronto Conference is generally supportive of the concept of expanding access to civil ceremonies, particularly in smaller centres in Ontario. The Toronto Conference extends into the counties of Muskoka, Dufferin, Simcoe and Grey, and clergy in these areas are frequently called upon to perform ceremonies for couples that have little or no interest in the church. Given a local alternative, many of these couples would likely engage a marriage commissioner to perform their service. It is appropriate in a pluralistic society that persons seeking a secular or non-religious marriage ritual have access to such a service.

It is the wish of the Toronto Conference that the bill be amended to include a provision for training marriage commissioners in the area of relationship dynamics. Clergy in the church are trained to counsel couples seeking to marry on a Christian understanding of marriage,

and also the nature and unique challenges of a marriage relationship. Marriage preparation will often include topics such as communication, conflict resolution, family systems theory, finances, sexuality and maintaining healthy boundaries. While there is no set curriculum within the church, it is the policy of the United Church of Canada that congregations be encouraged to offer marriage preparation as a means to promote healthy relationships.

It would seem appropriate that the person presiding at a service of marriage, religious or secular, would be able to act as a resource in the area of relationship dynamics. As a person with unique access to such an important moment in the life of a long-term relationship, the marriage commissioner must be able to respond to questions and offer direction in a meaningful way. The United Church of Canada, in a 1984 policy statement on marriage, affirmed that the church must work to redeem and care for the institution of marriage as a means to provide stability for society. The Legislative Assembly of Ontario, in sharing this goal, will seek to provide marriage commissioners with appropriate training.

The executive committee of the Toronto Conference also expressed the view that the Marriage Act be amended to allow marriage commissioners and, by extension, anyone licensed to perform marriages, to preside at the solemnizing of same-gender covenant marriages. While this view is not strictly within the scope of Bill 74, the executive felt it appropriate to restate a commitment to equal rights for same-gender couples in Ontario. When the Marriage Act is amended to include same-gender couples, whether by an act of this Assembly or by the courts, the ability to perform same-gender marriages should be extended to marriage commissioners, should they exist.

On behalf of the Toronto Conference of the United Church of Canada, I would like to thank you for the opportunity to appear before you today.

1700

The Acting Chair (Mr Ernie Hardeman): We have about three minutes per caucus for questions. We'll start with Mr Levac.

Mr Levac: I appreciate your presentation. Thank you very much. Is there an assumption by the conference that Bill 74 does not provide for that by not mentioning same-gender?

Rev Kooiman: It was added as an issue that the conference is concerned about, recognizing that it is outside the scope of Bill 74, which is dealing specifically with access and how it's facilitated. The issue of same-gender marriage is obviously an aside, but the conference executive felt it was an opportunity to restate that commitment.

Mr Levac: Because there was no assumption that it negates it, just that you wanted to bring it into the discussion?

Rev Kooiman: Right.

Mr Levac: I guess I will ask the same question. There has been some discussion and talk about variations of it,

but some kind of oversight in terms of a college or something like that. Do you have any comment on that? Was that discussed in your panel discussions?

Rev Kooiman: I think the concept of oversight would be helpful. I would probably lean toward Mr Kormos, that it could be done through the registrar general without some new elaborate creation. I think the issue is creating standards. Whenever the province appoints people to facilitate a role, I assume they have a mechanism, aside from creating a college, to ensure that there's a standard of training, that the person has the appropriate skill set to undertake that work.

Mr Levac: You've made reference to one of those issues, which would be the training in relationships—how to do that and respond to it.

Rev Kooiman: Absolutely.

Mr Levac: Is there an expectation, then, after the performance, that they would make themselves available to continue that debate for those couples? I've found that an awful lot of these programs are pre- and as soon as the marriage is over—boom! That's it. You don't hear from anybody again.

Rev Kooiman: Yes, it's certainly one of the unique advantages of the church, that we continue to offer ministry for anyone who seeks it out, including folks who have been married in the church. I have certainly experienced follow-up cases, where folks run into difficulty in their marriage and I'm the obvious person to turn to first because I performed the ceremony.

Mr Levac: And you performed the pre-, usually.

Rev Kooiman: And performed the preparation.

Mr Levac: Just to get this clear in my mind, in terms of what you're requesting regarding the counselling for relationships, there would be an expectation, in my opinion, of creating a relationship between the commissioner and the couple who are going to get married, and that there might be an understood expectation that it doesn't stop at the ceremony. There might be an expectation that the commissioner be called upon from time to time, if the relationship was formed, to be able to help them.

Rev Kooiman: It may be onerous as an expectation. One of the things that clergy are trained in is the art of referral and having a wide range of professionals available to help us to help others. I think certainly if a marriage commissioner is trained in human dynamics, they could recognize the nature of the difficulty and could make a really good referral to a professional in the community. So those contacts would be vital.

Mr Kormos: I come from down in Welland, where we have a great tradition of the old mission churches. Reverend Fern Sayles through the 1950s was extremely popular down in the south part of Welland with the mission church—All People's. There were people there of certain political persuasions, which also compelled them to abandon their Christian faith, or their belief in God even. But Rev Sayles was always there to perform the necessary marriages and funerals. You could have a little bit of God, no God or he could give you the full-God ceremony to accommodate you.

What surprised me, I've got to tell you—because my instincts said, yes, this is a good idea, but I told Mr Murdoch, "I've got to check with my clergy people down in Niagara," because my instincts also said, "Boy, I bet you some, especially ones who would identify themselves as being from more conservative branches of the clergy, would have objections to providing wider access to what I call secular marriages." And I haven't met any, which was contrary to what my mindset was.

Mind you, we've also had, I believe, no representation from other than Christian, or perhaps one non-faith person. So we haven't heard from any of the other religious traditions, which is unfortunate, I suppose. Are you aware of anybody from any of the various faith traditions that would object to this? I'm not asking you to stab in the dark—

Rev Kooiman: I can't imagine that they would. Certainly there must be someone, but a commitment to pluralism and a multicultural, multi-faith milieu is certainly prevalent in all of the churches. I would agree with one of the previous speakers that access could be construed as a right and that would be for folks of faith and folks of no faith at all.

Mr Kormos: OK. Thank you, sir.

Mr Guzzo: Reverend Kooiman, thank you very much for your presentation and your position in here. I would like to ask you a couple of questions. The last presenter made a very good point, a strong point, with regard to marriage being a right, the fee should be nominal and it should be user-friendly and facilitate—would you share that opinion?

Rev Kooiman: Yes. In particular in the area of access—my understanding of Bill 74 being about smaller areas and more remote areas in the province and difficulties in getting folks who could perform services and how onerous it had become for local clergy—I think that's essential.

On the area of fees, again, I think the position of the church is to encourage marriage commitments and when it becomes inaccessible financially, then that's a very troubling trend.

Mr Guzzo: Let me tell you my problem. I've performed a few marriages in my day. I spent 11 years on the bench and fulfilled the obligations at the courthouse and elsewhere from time to time. I don't necessarily disagree, but prior to going to the bench I practiced law—did a lot of family law, did a lot of divorce work. The nominal fee for marriage and the nominal fee for the marriage certificate are in stark contrast to the fees that were charged for some of the divorces. It seemed to me that anybody could get married; it was very, very inexpensive. But the divorces were to the other extent.

When I read this paragraph 5, where you're talking with regard to the individual performing being in a position to advise or, maybe you were suggesting, insist on a marriage preparation course or something of that nature, I want to tell you that in all the weddings I did over 11 years, not only did I never get into that, but I certainly would not have felt competent to do so.

It brings up the other point. We had a retired judge here the other day, His Honour Judge Scott, making a presentation about where he lives, in a nursing home down the way, where senior citizens from the nursing home were coming forward. The reaction in the committee of people who were here at the time suggested there's a case where you wouldn't need anything in the way of advice or preparation. As a lawyer, I can tell you that is definitely contrary to the first reaction in terms of the legal advice and the estate splitting that would take place. I find that extremely troubling. It's a very complicated area. It's a very sophisticated and capable, professionally trained member of your profession who is in a position to do that. As a matter of fact, when I watch the marriage preparation courses in my church, the priest doesn't do much of it. Experts from elsewhere in the community are called in for the seminar-type situation. I don't know where we're going to find commissioners who could ever be in a position to fulfill the obligations there would be if we were to take them on.

Rev Kooiman: My assumption is that if you appointed 600 or 300 commissioners, and you required workshops—it wouldn't have to be elaborate. I think, for example, the seniors' home that you described—someone who knows to ask the couple what their children feel about this. I mean that's a very simple question. It's obviously going to be the most vexing issue or potentially vexing issue in that particular situation.

Mr Guzzo: And the answer is, "They don't know; we're going to surprise them."

Rev Kooiman: That's right, it'll be a surprise.

Mr Levac: "It's none of their business."

Rev Kooiman: Or it's none of their business, yes.

I guess a lot of what I do is to ask the right questions, or try to ask the right questions. I interviewed a couple seeking to be married and the bride's mother came along, and she answered all the questions. That highlighted for me that there were some future relationship difficulties on the horizon.

Again, it's some basic training, sensitivity to relationship dynamics, issues that may confront a couple, and hoping that folks are sensitive enough to see issues and make referrals or, in some cases, discourage them from being married.

Mr Guzzo: Thank you for being here.

The Chair: Thank you, Reverend Kooiman. On behalf of the committee, we appreciate your coming forward.

I'll just call again—there was one delegation we have not heard, Abba Ministries of Canada. I'm assuming they're not here this afternoon.

Before we adjourn, there will be a subcommittee meeting immediately after we adjourn.

Mr Levac: I'm sorry for doing this—just a question to Mr Guzzo. The piece of paper we received from the government, the Attorney General, indicated concerns raised for retired judges. I don't know if you've got an opinion on that or not, but do you get the impression that they're saying they hope they didn't get involved in this unless they became commissioners only? I don't know if you had a chance to digest—

Mr Guzzo: I think what His Honour Judge Lennox is saying is, "I don't want to have any responsibility for it, so make them commissioners, and whether they're retired judges or otherwise, they won't have to reflect on anything I do."

Mr Levac: That's basically what I was after, but I wanted to get someone's opinion who happens to be in the field.

Mr Guzzo: That's Judge Lennox, formerly of Ottawa.

Mr Kormos: To be fair to Judge Lennox, and I'm prepared to be—

Mr Guzzo: You're going to be fair to a judge?

Mr Kormos: I've always been fair to judges, Mr Guzzo. As a matter of fact, on the contrary, I'm convinced that they've not always been fair to me or my client.

The impression is that he's suggesting that a retired judge perhaps may not fall into a role that can be supervised. But I think all that does is invite this committee perhaps to recommend to the author of the bill that retired judges—although one can't say that ex officio they are marriage commissioners—be deemed appropriate candidates for marriage commissioners.

Mr Hardeman: I think it's a non-issue. If they're appointed, they're appointed; if they're not, they're not.

Mr Kormos: I leave it at that. Just trying to be fair to Judge Lennox. I hope you'll pass that along to him next time you see him.

Mr Guzzo: Judge Lennox is saying, "I have no control over retired Judge Scott, so if you want to make him a commissioner, then you put the controls on. Don't assume I have any."

Mr Kormos: Yes, exactly.

The Chair: Thank you, committee members. I'll now adjourn the committee.

The committee adjourned at 1713.

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