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Thunder Bay, Ontario
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David Belrose, Education Coordinator
AIDS Committee of Thunder Bay
Box 24025
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Dear Mr. Belrose

Thank you for contacting me about same-sex spousal rights. I would like to take this opportunity to comment on this issue, given recent developments.

As you are aware, I have been an advocate for the extension of health, sick leave and survivor benefits to same-sex spouses. My support for this issue has been clear for more than a year. I supported Bill 45, and urged both the Premier and the Attorney General to act on the issue of the extension of health, sick leave and survivor benefits to same-sex spouses. However, the legislation introduced by the NDP government on May 19, 1994 proposed far broader changes than those intended by Bill 45.

I had previously expressed my concerns about legislation that would alter Ontario's adoption laws and change the definition of spouse. In a meeting with the Coalition for Lesbian and Gay Rights in Ontario (CLGRO) last year, I made it clear that I could not endorse the sweeping proposals in CLGRO's *Happy Families* report, which Bill 167 essentially implements. Bill 167 is based on different principles and would have far greater implications than Bill 45. The differences were important enough for me to oppose the NDP government's legislation.

Once again, thank you for taking the time to make me aware of your views.

Sincerely

Lyn McLeod, M.P.P.
Fort William Riding

about the future, and same-sex couples are no different from any other form of family in that. So the certainty which underlies the relationships which we now recognize in our communities as protected would also belong to those relationships and would add to the stability and the strength of our community.

I think, as we consider these issues, it will be important for us to listen carefully to one another, to try to seek a resolution to the very real constitutional problems that we face and to deal with the emotion that surrounds this issue in a way that is respectful of the dignity of individual people who are involved in this issue. It seems to me that we are a group of people who can achieve that within this place. It is a grave responsibility that we bear to try and create legislation which meets the changing needs of our society, the changing public policy demands of our society, which supports the values that we hold dear in our society and which strengthens us as individuals and as communities at a time when we need that strength more than ever before.

I am certainly satisfied, as the Attorney General, that it is contrary to the Charter of Rights and Freedoms, the supreme law of our land, not to end discrimination against same-sex couples. Cases going through our courts are steadily affirming this. It seems to me that as people of principle, as people with strong values, values which include the value of each individual in our society under the charter and all those groups that are protected by the Charter of Rights and Freedoms, we will decide that we will vote in favour of this bill and that we will create a society which is reflective of the core human rights that we hold dear as citizens of Ontario and citizens of Canada. I urge the members here to reflect on those matters that we've raised, to listen carefully to one another and indeed to join me in supporting Bill 167.

Applause.

The Deputy Speaker (Mr Gilles E. Morin): I would like to advise the members in the gallery that you are to refrain from applauding or any other type of demonstration.

Questions or comments? There being none, further debate?

Mrs Lyn McLeod (Leader of the Opposition): We are being asked today, as a part of the process of second reading approval, whether we as members of this Legislature support Bill 167 in principle. I will be voting against it because I do not support it in principle and I would like to state why.

This bill will make fundamental changes to the definition of "a family unit." It will change the definition of "spouse," which will trigger changes in some 55 different statutes, and it will extend the right to jointly adopt children to same-sex spouses. These changes represent radical departures for Ontario. They are changes which go beyond what I believe the people of Ontario are prepared to accept, and they go beyond what I personally am prepared to accept.

For over a year now, I have stated my concerns about any redefinition of "family," including the joint right of adoption. I also indicated that I was prepared to support

the extension of health, sick leave and pension benefits to same-sex couples. These are two very different sets of issues. The extension of health, sick leave and pension benefits was provided for in the private member's bill that was introduced by the member for St George-St David, which would also have amended the Human Rights Code to prevent harassment in housing and in the workplace. I said I would vote for that bill, and I did.

By contrast, the bill we are being asked to support today is based on different principles and it would have far wider applications and implications. In fact, my colleague the member for St George-St David was personally in favour of a far wider set of changes, including the redefinition of "spouse." But that change and all of its ramifications in the definition of "family" and "spouse" and "adoption rights" went beyond what I could support, and that is why it was not included in the private member's Bill 45.

There are those in the government, including I believe the minister today, who say that Bill 167 only does what Bill 45 would have done. If that is the case, why are we now considering Bill 167? If that is the case, why did so many supporters of Bill 167 say, for the past year, that Bill 45 did not go far enough? Why are many of those same people saying Bill 167 is the most sweeping and comprehensive legislation ever to be presented on this topic?

The government knows it is different; supporters of Bill 167 know it is different; and I know it is different. The differences were important enough to prompt the government to bring in this far wider bill. They were important enough to cause many to lobby for this far wider bill, and they are important enough to cause me to oppose this far wider bill.

It is not sufficient to say that if we pass this bill in principle, it will be followed up by committee hearings and by possible amendments. Passing this bill in principle represents approval in principle. Committee hearings about a bill that has already been approved in principle are no substitute for the kind of thoughtful process that the minister has talked about today and that should have been employed before this legislation was presented.

Sweeping legislation that could have very deep social and economic implications for this province has been presented in a way that has left the people of this province no opportunity to consider the ramifications in a coherent and comprehensive manner. This government clearly understood what the issues were, and it chose to present this very broad legislation. We are now called upon to debate and to vote on this legislation in what has become an atmosphere of heightened emotion, confrontation and polarization.

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Today, even as we begin this debate, we hear reports of possible proposals by the government to salvage what they can by offering draft amendments to a bill that was introduced only a few days ago. Any possible amendments that would be offered on second reading would have no standing and cannot be the subject of this second reading vote in the Legislature. The second reading vote is a vote on the principles in Bill 167, which fundamen-

tally change the definition of the family in a way that neither I nor the people of Ontario are prepared to accept.

The response that we're seeing to this bill confirms the concerns I expressed over a year ago about the reaction such dramatic legal changes in the definition of family and the right to adoption would meet in this province. The debate has been acrimonious, it has been heated and it has indeed been polarizing.

I have been disappointed to see very deliberate efforts made by some to confuse and to inflame what is already a sensitive and emotional issue. This is especially disappointing because this issue involves the consideration of fundamental principles, and that should be done in a clear and logical manner.

It is also inevitably an issue which calls forth deeply held convictions from very different perspectives. The fact that this is a free vote underscores this issue as one that is based on individual conscience and one on which all members must sort through fundamental questions, and this brings me back to the points I raised at the beginning of my remarks.

I cannot support legislation which so dramatically redefines the family unit. I cannot support the redefinition of "spouse," which triggers changes in 55 different statutes. I cannot support the right to jointly adopt.

It is often a fine line between a policy that is fair and makes sense and one that simply goes too far, and this bill crosses that line. I believe this legislation fails the test of good public policy. It is too broad and sweeping in its implications and it lacks public consent. In summary, it goes beyond what I can in conscience support, and that is why I will be voting against approval in principle on Bill 167.

The Deputy Speaker: Any questions or comments?

Mr Gary Malkowski (York East): I would like to respond in questions and comments that I think a very fundamental question is, do you think that gay and lesbian people are responsible people who are willing to accept the responsibilities? I think there needs to be leadership taken in stopping discrimination.

Bill 45, which was introduced by the member for St George-St David, was reflective in supporting and in trying to stop discrimination happening. I think that is the goal of this legislation and I think you need to take leadership in terms of educating and stopping discrimination on this human rights issue. This is a very fundamental issue where we are taking responsibility.

Hon Tony Silipo (Minister of Community and Social Services): I want obviously, in the very brief time that I have, to respond to one point that the Leader of the Opposition made and say, first of all, that I think it's useful—I listened very carefully to what she had to say and I think it's useful that we have very clearly on the record her views on this matter, as indeed it's going to be useful to hear from other members. I think it's appropriate that we hear finally a fairly clear position from the Leader of the Opposition.

I do want to make one point, because I know that one of the points that the Leader of the Opposition made was to explain why she supported Bill 45 and why she does

not support this particular bill. One of the points she made was with respect to adoption.

Whether there's been a question of confusion or simply different interpretations, I think it's also appropriate to put on the record that it is the view of many of us that, in reading what Bill 45 would have done, it would have, because it clearly amends the Human Rights Code definition, including the Human Rights Code definition of "marital status," also affected adoption proceedings because adoption proceedings, as I'm sure the Leader of the Opposition is fully aware, are covered by the Child and Family Services Act.

The Child and Family Services Act has been deemed by courts of this province to be subject to the Human Rights Code. It just behooves us all to take that also into account, but whether it has been by virtue of different interpretations or confusion or whatever, I think it's useful that we have finally the position of the Leader of the Opposition.

I would end by saying that I hope, as the Attorney General earlier indicated, that people go into these discussions being prepared to listen to each other and being prepared to see if there isn't also a way to come to some conclusions together.

Mr George Mammoliti (Yorkview): I think most people in the Legislature will know where I stand on this issue and I hope that most will respect my position on the issue, as I respect others and their positions. I think that with some dialogue and with some discussion we can perhaps understand each other a little bit more.

My concern here is that just a few short months ago the Leader of the Opposition stood on one side of the issue—and I respected her for that opinion—and now, later on, she's on the other side of the issue. How can you respect her when she keeps flip-flopping back and forth and back and forth? Maybe next week she will change her mind again and maybe the caucus will change its mind again. I'm not sure.

I think that on a very controversial and a very emotional issue like this, leaders like yourself, through you, Mr Speaker, should take a position—

Mr Anthony Perruzza (Downsview): And not speak out of both sides of your mouth.

Mr Mammoliti: —and not speak out of both sides of your mouth, as my colleague has just said. That, in my opinion, is the wrong thing to do and at the wrong time. Right now, we're going through a difficult time in this place. We are trying to debate a very emotional issue and for them to be playing politics with this issue is strictly out of order, Mr Speaker.

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The Deputy Speaker: Order. Further questions or comments?

Mr Rosario Marchese (Fort York): I want, for the record, to make some remarks that I think should make the Leader of the Opposition a bit uncomfortable, which I hope she will feel. I'm a bit disappointed with her remarks, but I will read some of the things she has sent and written in a letter to Bob Rae and Marion Boyd on March 9, 1993.