



Third Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

| Member | Constituency | Political Affiliation |
|-------------------------|---------------------|------------------------------|
| AGLUGUB, Cris | The Maples | N.D.P. |
| ALLAN, Nancy | St. Vital | N.D.P. |
| ASHTON, Steve, Hon. | Thompson | N.D.P. |
| ASPER, Linda | Riel | N.D.P. |
| BARRETT, Becky, Hon. | Inkster | N.D.P. |
| CALDWELL, Drew, Hon. | Brandon East | N.D.P. |
| CERILLI, Marianne | Radisson | N.D.P. |
| CHOMIAK, Dave, Hon. | Kildonan | N.D.P. |
| CUMMINGS, Glen | Ste. Rose | P.C. |
| DACQUAY, Louise | Seine River | P.C. |
| DERKACH, Leonard | Russell | P.C. |
| DEWAR, Gregory | Selkirk | N.D.P. |
| DOER, Gary, Hon. | Concordia | N.D.P. |
| DRIEDGER, Myrna | Charleswood | P.C. |
| DYCK, Peter | Pembina | P.C. |
| ENNS, Harry | Lakeside | P.C. |
| FAURSCHOU, David | Portage la Prairie | P.C. |
| FRIESEN, Jean, Hon. | Wolseley | N.D.P. |
| GERRARD, Jon, Hon. | River Heights | Lib. |
| GILLESHAMMER, Harold | Minnedosa | P.C. |
| HAWRANIK, Gerald | Lac du Bonnet | P.C. |
| HELWER, Edward | Gimli | P.C. |
| HICKES, George | Point Douglas | N.D.P. |
| JENNISSEN, Gerard | Flin Flon | N.D.P. |
| KORZENIOWSKI, Bonnie | St. James | N.D.P. |
| LATHLIN, Oscar, Hon. | The Pas | N.D.P. |
| LAURENDEAU, Marcel | St. Norbert | P.C. |
| LEMIEUX, Ron, Hon. | La Verendrye | N.D.P. |
| LOEWEN, John | Fort Whyte | P.C. |
| MACKINTOSH, Gord, Hon. | St. Johns | N.D.P. |
| MAGUIRE, Larry | Arthur-Virden | P.C. |
| MALOWAY, Jim | Elmwood | N.D.P. |
| MARTINDALE, Doug | Burrows | N.D.P. |
| McGIFFORD, Diane, Hon. | Lord Roberts | N.D.P. |
| MIHYCHUK, MaryAnn, Hon. | Minto | N.D.P. |
| MITCHELSON, Bonnie | River East | P.C. |
| MURRAY, Stuart | Kirkfield Park | P.C. |
| NEVAKSHONOFF, Tom | Interlake | N.D.P. |
| PENNER, Jack | Emerson | P.C. |
| PENNER, Jim | Steinbach | P.C. |
| PITURA, Frank | Morris | P.C. |
| REID, Daryl | Transcona | N.D.P. |
| REIMER, Jack | Southdale | P.C. |
| ROBINSON, Eric, Hon. | Rupertsland | N.D.P. |
| ROCAN, Denis | Carman | P.C. |
| RONDEAU, Jim | Assiniboia | N.D.P. |
| SALE, Tim, Hon. | Fort Rouge | N.D.P. |
| SANTOS, Conrad | Wellington | N.D.P. |
| SCHELLENBERG, Harry | Rossmere | N.D.P. |
| SCHULER, Ron | Springfield | P.C. |
| SELINGER, Greg, Hon. | St. Boniface | N.D.P. |
| SMITH, Joy | Fort Garry | P.C. |
| SMITH, Scott, Hon. | Brandon West | N.D.P. |
| STEFANSON, Heather | Tuxedo | P.C. |
| STRUTHERS, Stan | Dauphin-Roblin | N.D.P. |
| TWEED, Mervin | Turtle Mountain | P.C. |
| WOWCHUK, Rosann, Hon. | Swan River | N.D.P. |

LEGISLATIVE ASSEMBLY OF MANITOBA
STANDING COMMITTEE ON LAW AMENDMENTS

Wednesday, July 24, 2002

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Mr. Jim Rondeau
(Assiniboia)**

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Ms. Barrett, Hon. Messrs. Mackintosh,
Sale, Smith (Brandon West)

Ms. Cerilli, Messrs. Laurendeau, Maguire,
Martindale, Mrs. Mitchelson, Mr. Rondeau,
Mrs. Smith (Fort Garry)

WITNESSES:

Mr. Gilles Marchildon, ÉGALE
Ms. Noreen Stevens, Private Citizen
Ms. Lisa Naylor, Private Citizen
Ms. Erika MacPherson, Private Citizen
Mr. Larry Speiss, Private Citizen
Ms. Tammy Gutnik, Private Citizen,
Ms. Jean Chennell, Private Citizen
Mr. Robert Humphrey, Private Citizen
Mr. David Reimer, Pastor, Shalom Family
Worship Centre
Mr. John Froese, Private Citizen
Ms. Karen Busby, Private Citizen
Mr. Jeremy Buchner, Private Citizen
Mr. Gary Monkman, Private Citizen
Ms. Krista Piche, Private Citizen
Ms. Kristine Barr, Private Citizen
Ms. Janet Baldwin, Chairperson, Manitoba
Human Rights Commission
Mr. Elliot Leven, Manitoba Human Rights
Commission
Mr. Tim Preston, Private Citizen
Ms. Donna Huen, Rainbow Resource Centre

Mr. Lloyd Fisher, Private Citizen
Ms. Sharon Hunter, Private Citizens
Mr. Edward Lipsett, Private Citizen
Mr. Rory Grewar, Private Citizen
Mr. Mike Law, Manitoba Bar Association,
Gay and Lesbian Issues Section
Ms. Jordan Cantwell, Private Citizen
Mr. Thomas Novak, Dignity Winnipeg
Ms. Michelle Paquette, Winnipeg Trans-
gender Group
Ms. Sharon Pchajek, Private Citizen
Ms. Donna Brigham, Parents, Family and
Friends of Lesbians and Gays
Ms. Kerry Cazzorla, Private Citizen
Ms. Faye Kliewer, Private Citizen
Ms. Rhonda Chorney, Private Citizen
Ms. Jayne Kapac, Private Citizen
Ms. Dina Juras, Private Citizen
Mr. Jeremiah Lexier, Private Citizen
Mr. Jason Ryan, Private Citizen
Ms. Marilyn Friesen, Private Citizen
Ms. Virginia Larsson, Private Citizen
Mr. John McCarron, Private Citizen
Ms. Elena Blomquist, Campaign Life Co-
alition
Ms. Sharon Dornn, Private Citizen
Mr. Fred Cameron, Private Citizen
Mr. Martin Paul Opitz, Private Citizen
Mr. Ken McGhie, Private Citizen
Mr. Carl Dornn, Private Citizen

WRITTEN SUBMISSIONS:

Mrs. Mireille Clark, Private Citizen
Ms. Maggie Wasyliw and Mr. Doug
Wasyliw, Private Citizen
Mr. Ken Mandzuik, Manitoba Association
of Rights and Liberties

MATTERS UNDER DISCUSSION:

Bill 34–The Charter Compliance Act

* * *

Mr. Chairperson: Good evening. Will the
Standing Committee on Law Amendments

please come to order. The first order of business is the election of a Vice-Chairperson.

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): Mr. Chair, I would recommend Mr. Rondeau for Vice-Chair.

Mr. Chairperson: Mr. Rondeau has been nominated. Are there any further nominations? Hearing none, Mr. Rondeau is declared Vice-Chair of this committee.

This evening the committee will be considering the following bill: Bill 34, The Charter Compliance Act. We have presenters who have registered to make public presentations on this bill. It is the custom to hear public presentations before consideration of bills. Could I ask those persons in attendance who are speaking in French to please make themselves known to the Clerk of the committee if you have not already done so?

Is it the will of the committee to hear public presentations on the bill, and, if yes, in what order do you wish to hear the presenters?

Hon. Becky Barrett (Minister of Labour and Immigration): I am not sure, but I believe that there may be some presenters in the audience who have children who are on the list. I would suggest that we add, in addition to our normal suggestions of going with people from out of town, that anyone who has a child here this evening that would like to make a presentation that they be heard in the order along with the out-of-towners, so that they will not have to stay too late if their name is in the normal course of events further down the list.

Mr. Chairperson: It has been suggested that we hear parents with children first, and then out-of-town presenters. Is that agreed? *[Agreed]*

Is there leave of the committee to hear those persons making their presentation in French, in what order, immediately after or before the out-of-town? If someone will put up their hand, I will recognize them.

Mr. Marcel Laurendeau (St. Norbert): Let us hear the French presenter first, so that we can send the translator home.

* (18:40)

Mr. Chairperson: As far as we know, we just have one person registered to present in French. It has been suggested by Mr. Laurendeau that that person go first, and then we can send the translator home. Is that agreed? *[Agreed]*

Bill 34—The Charter Compliance Act

Mr. Chairperson: I will now read the list of people who are registered to present. It is a long list. I apologize if I pronounce any of your names incorrectly. Karen Busby, Larry Speiss, Jeremy Buchner and Gary Monkman, Krista Piche, Dawn-Lee Piche, Noreen Stevens, Gilles Marchildon, Kristine Barr, Nadine Gilroy and Lorri Millan, Janet Baldwin, Jaik Josephson and Brent Lott, Tim Preston, Donna Huen, Lloyd Fisher, Lisa Naylor and Lori Bielefeld, Stacy Garrioch and Sharon Hunter, Asher Webb, Edward Lipsett, Rory Grewar, Mike Law, Brad Tyler-West, Jordan Cantwell, John Millward, Thomas Novak, Jean Chennell, Michelle Paquette, Grant Fleming, Sharon Pchajek and Maureen Pendergast, Erika MacPherson, Kendra Foster and Kegan McFadden, Diane Kelly, Sherri McConnell, Elizabeth Steindel, Robert Humphrey, Kerry Cazzorla, Ken Mandzuik, Faye Kliewer, Jean Chomeychuk, Carol Hartman, Mireille Clark, Jayne Kapac, Rhonda Chorney, Dina Juras, Sharon Taylor, Karen Luks, Gio Guzzi, Kirby Fults, Pastor David Reimer, Jeremiah Lexier, Jason Ryan, Marilyn Friesen, Virginia Larsson, John McCarron, Elena Blomquist, Walle Larsson, Sharon Dorn and Carl Dorn, Fred Cameron, John Froese. The last two were add-ons.

We are going to read the list of presenters with children and then the out-of-towners. We are going to start with No. 7, Gilles Marchildon and then the presenters with children who are registered at No. 6, Noreen Stevens; No. 15, Lisa Naylor and Lori Bielefeld; and No. 29, Erika MacPherson. Then we are going to do out-of-town presenters. Larry Speiss; Jaik Josephson and Brent Lott; Jean Chennell; Erika MacPherson; Robert Humphrey; Carol Hartman; Pastor David Reimer; and that is it for out-of-towners. John Froese is out-of-town as well.

Those are the persons and organizations that have registered so far. If there is anybody else in

the audience who would like to register, or has not yet registered and would like to make a presentation, would you please register at the back of the room. Just a reminder that 20 copies of your presentation are required. If you require assistance with photocopying, please see the clerk of the committee.

Before we proceed with the presentations, is it the will of the committee to set time limits on presentations?

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): Mr. Chair, I would recommend we follow our standard procedure of 15 minutes for presentation and 5 minutes for questions.

Mr. Marcel Laurendeau (St. Norbert): That is fine, Mr. Chair, but I do not believe we should be calling it the regular procedure. It is a procedure that has been adopted by this Government, not one that we have agreed to or accepted, which will be changed when we form government.

Mr. Smith: As mentioned, procedures that we have followed through the past three years as we have been in government, and quite frankly, we will talk about his further comment at a later date.

Mr. Chairperson: It has been suggested that we allow 15 minutes maximum for presentations and 5 minutes for questions and answers from committee members. Is that agreed? *[Agreed]*

How does the committee propose to deal with presenters who are not in attendance today but have their names called? Shall these names be dropped to the bottom of the list? *[Agreed]* Shall the names be dropped from the list after being called twice? *[Agreed]*

As courtesy to persons waiting to give a presentation, did the committee wish to indicate how late it is willing to sit this evening?

Mr. Smith: Mr. Chair, I would recommend, by the number of presenters that we have here tonight, that we assess the situation around midnight and make an evaluation at that time.

Mr. Laurendeau: Mr. Chair, I agree with the honourable member, that we should reassess it at midnight, but, at midnight, we should also give the opportunity to those people who want to present, at that time, to present.

I do not believe anybody should be dropped off the list tonight, that anybody who chooses could come back to the next meeting if we are not concluded at midnight.

Mr. Chairperson: It has been suggested that we reassess at midnight, and, at that time, we also give anyone the opportunity who wishes to present tonight, to do so. Is that agreed?

Hon. Becky Barrett (Minister of Labour and Immigration): I would prefer not to set any constraints around the reassessment at midnight and just reassess at midnight, at which time we can look at the situation then in all of its parameters.

Mrs. Bonnie Mitchelson (River East): Mr. Chairperson, I would like to ask for some clarification because, out of respect for people that have jobs and people that are serious and committed to making representation on this legislation, I think that we should afford and allow people the opportunity that are still here at midnight to make presentation, and some may prefer. I know that we are prepared to stay all night long if that is what is needed, but I think it is very disrespectful to people to drop them off the list and not give them an opportunity to speak.

This is a public hearing process. It is the only opportunity for members of the public to make representation to their legislators on a piece of legislation. This is something that the Government uses on a regular basis and as the public hearing process. So I want to indicate that we, on this side, support allowing people to come back to committee if they cannot stay after midnight and that we should set another time for committee proceedings, possibly tomorrow evening, to finish up if there are any presentations, but I do not want to drop people off the list after midnight because they cannot stay.

Mrs. Joy Smith (Fort Garry): Mr. Chair, I want to support what my colleague is saying. I think it is very important that each and every

person have a chance to present, and I think it would be very disrespectful to drop anybody off at midnight and not give them the opportunity to speak. I want to make sure that is open. This is the one opportunity. As my colleague has reiterated a few minutes ago, it is the one opportunity that the public has to come and speak to this legislation. I think it is very necessary.

Mr. Smith: Mr. Chair, I do not think any of us disagree with the fact that we want to hear everybody. Certainly, the time that we are using now eats up that time, but I know all of us would like to hear the presenters come and make their presentation, which is why I do support that we reassess this at midnight, we consider the people that are left and reassess the parameters around these decisions at that time.

Hon. Tim Sale (Minister of Family Services and Housing): I move that the committee reassess its progress at midnight and make decisions on continuing at that time but that it offer an opportunity to any who still wish to present tonight to do so.

* (18:50)

Mr. Chairperson: It has been moved by Mr. Sale that the committee sit until midnight and reassess. Is that agreed? *[Agreed]*

I am advised that now that we have the motion in writing that I need to put it to the committee. Moved by Mr. Sale that the committee sit until midnight and reassess its progress at that time and that any person remaining at that time who wishes to present will be invited to do so. Agreed? *[Agreed]*

I would also like to inform the committee that a written submission has been received from Maggie and Doug Wasyliw. They have asked that their brief be included as a written submission to appear in the committee transcript for this meeting. Copies of this brief have been made for committee members and were distributed at the start of the meeting. Does the committee grant its consent to have this written submission appear in the committee transcript for this meeting? *[Agreed]*

I would also like to advise all presenters in attendance that Room 254 which is just down

the hall from here has been set up as an overflow room. The sound from this room will be broadcast in the overflow room. So if anyone in attendance would like to have a little bit more space please feel free to wander down to that room. There will be a staffperson in attendance to assist you.

I will now call Gilles Marchildon who will be speaking *en français*. Will you please come forward to make your presentation.

Mr. Gilles Marchildon (ÉGALE): Chères membres et chers membres du comité, merci d'abord d'avoir bien voulu recevoir les citoyens et les citoyennes intéressés à faire une présentation au sujet de ce changement de loi important pour le respect des droits de la personne au Manitoba. Je viens parler en mon nom personnel, en tant que propriétaire d'entreprise, journaliste et, bien sûr, résidant de la province qui sera touché par cette modification de la loi.

De plus, je siège au conseil d'administration national du groupe ÉGALE.

Translation

Honourable committee members, firstly, thank you for hearing the citizens interested in making a presentation on the subject of this change in legislation which is important for the respect of human rights in Manitoba. I am making this presentation on my own behalf, as a business owner, journalist and, of course, as a resident of the province who will be affected by this change in the law.

I am also on the national board of directors of ÉGALE.

English

Though I am addressing the committee in French, my mother tongue, and speaking in the name of ÉGALE, ÉGALE is a bilingual national organization, so I want that underlined.

Comme certains d'entre vous le savez, ÉGALE fait la promotion de l'égalité et de la justice pour les personnes lesbiennes, gaies, bisexuelles et transgenres, et leurs familles.

Nous avons plus de 2 500 membres à travers le Canada, et ceux-ci se trouvent dans chaque province et territoire du pays dont le Manitoba, bien sûr.

Depuis plusieurs années, ÉGALE fait des présentations devant des comités parlementaires et intervient devant les tribunaux dans des causes d'envergure, touchant les droits de la personne. En plus de faire la sensibilisation auprès du grand public et de disséminer de l'information pertinente, ÉGALE fait aussi du démarchage politique pour changer les lois du pays afin qu'elles reflètent davantage la réalité sociale contemporaine en éliminant la discrimination à l'égard des personnes lesbiennes, gaies, bisexuelles et transgenres, et leurs familles.

Si j'ai pris la peine de parler de la mission et des objectifs du groupe ÉGALE, c'est parce que le Projet de loi 34 et sa suite logique, le Projet de loi 53 introduit plus récemment, s'insèrent dans notre désir de voir les lois de notre pays traiter les personnes qui ne sont pas hétérosexuelles de la même façon que les personnes qui le sont. Ce ne sont pas des droits spéciaux que notre communauté réclame mais bien d'avoir accès aux mêmes droits que tout le monde. Effectivement, l'orientation sexuelle d'une personne ne devrait pas déterminer le nombre et la qualité des lois qui la protège ou l'oblige, le cas échéant.

Un exemple qui illustre bien cette notion d'égalité devant la loi, c'est le changement proposé vis-à-vis la déclaration des conflits d'intérêt. Je ne crois pas que les personnes élues qui sont homosexuelles devraient bénéficier d'exemptions spéciales par rapport à l'obligation de déclarer un conflit d'intérêt lorsque leurs responsabilités publiques les amènent à prendre une décision où elles pourraient bénéficier personnellement.

On peut imaginer une situation où un élu, ayant un partenaire de même sexe, voudrait ne pas être obligé de déclarer cette relation, étant donné le fait que de telles relations ne seront pas acceptées par tout le monde complètement de nos jours. Ça s'en vient, mais ce n'est peut-être pas acquis à 100 pour cent. Or, lorsqu'on déclare un conflit d'intérêt, on n'est pas obligé de divulguer au grand public les détails précis qui nous motivent à nous excuser de la prise de

décision. Donc, une déclaration d'un conflit d'intérêt n'entraîne pas nécessairement la perte d'un certain degré de vie privée.

D'autre part, je pense que notre société, grosso modo, est rendue à un point où une relation entre deux personnes du même sexe ne fait plus les manchettes comme auparavant. Il existe des élus ouvertement gais et lesbiennes à tous les niveaux du gouvernement: scolaire, municipal, provincial et fédéral. En effet, il serait possible de citer des exemples manitobains pour ces trois premiers niveaux.

Je pourrais me pencher sur les autres lois qui seront touchées par cette nouvelle initiative législative, par exemple, l'adoption et les décisions médicales, entre autres. Or, je sais qu'il y a plusieurs autres intervenants qui souhaitent prendre la parole et je vais leur laisser davantage de temps pour le faire, sans doute plus éloquemment que moi.

Ce que je voudrais souligner c'est que le groupe ÉGALE, ses membres à travers le pays, ainsi que ceux et celles qui habitent le Manitoba, puis moi-même personnellement, nous félicitons le gouvernement d'avoir posé ce geste éclairé en modifiant ses lois pour les rendre conforme à la *Charte canadienne des droits et libertés*. Le Manitoba a toujours été une terre d'accueil pour une grande diversité démographique, linguistique, culturelle, raciale et religieuse. Dans cette même veine, c'est un point de fierté pour moi, en tant que Manitobain, de pouvoir dire que la discrimination sur la base de l'orientation sexuelle n'a pas sa place non plus dans notre province. De plus, les lois qui gouvernent notre province vont bientôt refléter cette ouverture d'esprit, cette tolérance et ce respect des droits de la personne.

Merci de votre écoute et bonne chance dans vos délibérations. J'ai très hâte de pouvoir célébrer l'adoption finale de ce projet de loi avec, je l'espère, l'accord non seulement des membres du parti gouvernemental mais de tous les membres de tous les partis politiques de la Législature. Merci.

Translation

As some of you know, ÉGALE promotes equality and justice for lesbian, gay, bisexual and

transgendered people, and their families. We have over 2500 members across Canada in every province and territory including Manitoba, of course.

For a number of years, ÉGALE has been making presentations before parliamentary committees and intervening before the courts in major cases dealing with human rights. In addition to raising public awareness and disseminating relevant information, ÉGALE also engages in political lobbying to amend the country's legislation to more accurately reflect contemporary social realities by eliminating discrimination against lesbian, gay, bisexual and transgendered people and their families.

I have taken the trouble of speaking about ÉGALE's mission and objectives because Bill 34 and its logical continuation, Bill 53, introduced more recently, address our desire to see the laws of our country treat people who are not heterosexual in the same manner as people who are. Our community is not asking for special rights, but simply for access to the same rights as everyone else. Indeed, an individual's sexual orientation should not determine the number and quality of the laws that protect or constrain him or her, as the case may be.

An example that illustrates this concept of equality under the law, is the proposed amendment with respect to the disclosure of conflicts of interest. I do not believe that elected officials who are homosexual should benefit from special exemptions with respect to their obligation to disclose a conflict of interest if, in the course of their public duties, they must make a decision from which they could benefit personally.

One can imagine a situation in which an elected official with a same-sex partner would prefer not to be obligated to disclose this relationship, given that such relations are not fully accepted by everyone these days. It is coming along, but has not perhaps been achieved 100 percent. But when disclosing a conflict of interest, one is not obligated to release to the public the details of what motivates one to abstain from making a decision. So disclosing a conflict of interest does not necessarily mean the loss of a certain degree of privacy.

Moreover, I think that on the whole our society is at the point where a relationship between two people of the same sex does not make the headlines the way it once did. There are openly gay and lesbian elected officials at all levels of government: on school boards as well as in municipal, provincial and federal governments. In fact, it would be possible to cite examples here in Manitoba for the first three levels.

I could discuss the other legislation that will be affected by this new legislative initiative, for example, adoption and medical decisions, among others. However, I know that several other people are waiting to speak and I will give them the time to do so, no doubt with greater eloquence than I.

I would like to emphasize that ÉGALE, its members throughout the country as well as those here in Manitoba, and I personally, congratulate the government on taking this enlightened action to amend its laws to make them consistent with the Canadian Charter of Rights and Freedoms. Manitoba has always been a land that has welcomed great demographic, linguistic, cultural, racial and religious diversity. In the same vein, I am very proud to be able to say that discrimination on the basis of sexual orientation has no place in our province either. Our province's legislation will soon reflect this open-mindedness, tolerance and respect for human rights.

Thank you for your attention and good luck in your deliberations. I very much look forward to celebrating the enactment of this bill, which I hope will be passed with the agreement of the members of all political parties in the Legislature. Thank you.

Mr. Chairperson: Ladies and gentlemen in the audience, I would like to remind you that we have a rule here that people in the public do not participate in the debate in any way. I would ask you to take that into consideration. Thank you.

Thank you for your presentation.

The next presenter is Noreen Stevens. Please proceed.

Ms. Noreen Stevens (Private Citizen): Good evening. My name is Noreen Stevens. I am

speaking here today on behalf of myself, my partner, Jill Town, and our two children: Savannah, who is two years old, and Dillon, who is almost one.

I am presenting this evening in support of The Charter Compliance Act, which, in my opinion, moves the province of Manitoba significantly forward in acknowledging the rights of gays and lesbians, rights which are protected by the Canadian Charter of Rights.

* (19:00)

The Charter Compliance Act also brings the province in step with the majority of provinces in Canada. That is long overdue. I have expressed my impatience with the Government on this issue many times during the past couple of years to government members, through the media and certainly among my friends and family. I think impatience is justified when our lives hang in the balance waiting for political and social change. At the same time, I would like to commend the Government for the amount of care and consideration and public consultation that has been a part of drafting this legislation. You have listened, and the end result is better for it.

Regarding the opposition to this new legislation, or at least the parts of it that deal with parenting and with children, generally speaking, those who speak out against this legislation do so because they are fundamentally opposed to the idea of gays and lesbians parenting children at all. This is not the issue under debate. The fact is that gay and lesbian people have children. We have been parenting all along. The Charter Compliance Act is simply an acknowledgement, finally, of this diversity in our society.

Lastly, I would briefly like to tell you about my family, because I think that personal stories help us to gain a better understanding of the impact of legislation. Stories lift the legislation out of the law books and into the mosaic of day-to-day life. Five years ago, Jill and I decided we would like to share our home and our lives with children. So we applied to adopt through Winnipeg Child and Family Services. We came to understand that, although CFS workers

respected Jill and me as a couple and would prepare our file and conduct our home study as a couple, they were required by the limitations of The Adoption Act to register our application in only one name. So, when we adopted a child, only one of us would be his or her legal parent.

A few years later we were still waiting to adopt a child, so we became foster parents as well as adoptive applicants. Our daughter, Savannah, came to live with us a few months later, only two days after she was born. Almost a year later, we learned that Savannah's birth mother was pregnant again, and the baby would come into care. So we asked that he or she come to live with us as well. So our son, Dillon, joined our family four days after he was born. Offering Savannah the opportunity to grow up with her brother was our first birthday present to her.

In the process of becoming foster parents as well as adoptive applicants, we became aware of a ridiculous incongruity. Jill and I are both foster parents to our children. Winnipeg CFS recognizes us as a couple, accepted our application to foster as a couple, and completed our home study as a couple. Practically speaking, unlike adoption, there is no law that prevents us from fostering our children as a couple.

However, if we were to adopt our children today under the current legislation, under the existing legislation, only one of us would be their legal parent. So in the transition from being foster children to permanent adopted children, a transition that should be a joyful step and a step forward, our kids would go from having two foster parents to having only one adoptive parent. This is an excellent example of how current legislation does not reflect reality, and does not serve the best interests of children in this province. The Charter Compliance Act will change that for the better.

I would like to thank you for the opportunity to express my support for this new legislation. Thank you.

Mr. Chairperson: Thank you for your presentation.

Is there anyone else in the audience who wishes to present in French? If so, please come

forward now. If there are none, we can send the translator home.

The next presenters are Lisa Naylor and Lori Bielefeld. Please proceed.

Ms. Lisa Naylor (Private Citizen): Good evening, my name is Lisa Naylor. This is my partner, Lori Bielefeld, and our daughter, Shayla. I am not sure how long they will both be standing up here, but we will do our best.

We are here tonight to speak specifically to the amendments proposed by Bill 34 that pertain to adoption. It is essential that same-sex couples have the right to adopt children together, and that partners of gay and lesbian parents have the right to adopt their partner's biological children. Anything less is simply not within the best interests of our children.

Although Lori and I are private people, we have chosen to share our personal story with you in order to put some real faces on what is otherwise just words on a page. With or without the sanction and protection of law, we are a family. Lori and I entered into a relationship with each other almost 11 years ago. After a year of dating, we moved in together. Soon after, we began slowly to merge our financial interests and to become part of each other's extended families. Together, we were asked to be guardians and godparents to other people's children. Together, we have survived the deaths of friends, family members and our first pet. Together, we packed up and moved from Ontario to Manitoba in order to build the life we hope to have. Together, we bought our first car and our first house. Together, we decided we wanted to be parents and we spent over five years sorting out options, attempting to achieve pregnancy and undergoing infertility treatment. Together, we laughed and cried with joy when a pregnancy test was finally positive. Together, we attended every single appointment and supported each other through some frightening moments during the pregnancy.

Together, we experienced each incredible sacred moment of our daughter's birth. Together, we held her new little body close as we gazed in awe at her perfection and imagined the brightness of her future and the seriousness of our

responsibility. Together, we have parented this amazing child for the past 15 months. She is funny and intelligent. She takes in everything going on around her and she knows which one of us is her mama and which one of us is her mommy. She adores her grandpa and her grandmas, her aunts, her uncles, from both sides of her family. She knows absolutely where and with whom she feels most safe and most loved.

We have no doubt that Shayla will always know who her family is. Nothing that is or is not written in the law will ever change that. However, without the passing of this bill and without the ability for her non-biological mother to adopt her, Shayla has only one parent under the law. As a result, she is denied basic benefits and protections that other children have. As parents, we are committed to the well-being of our daughter no matter what. However, laws exist to protect children when their parents do not live up to their commitments. Sometimes, parents need to be held accountable for supporting their children. Even with the best of intentions, relationships sometimes end. All children need to know that they will still be entitled to financial support from both of their parents in this situation.

If Shayla's legal mother were to die, her parental relationship with her other mom would not be protected. If her non-legal mother were to die, she would not be automatically entitled to survivor benefits or inheritance rights. These inequities also hold true for children adopted by only one parent when there is actually a loving couple raising those children.

This aspect of the bill is also very personal for me as I was adopted. Throughout my growing up, and now as an adult, no one has ever questioned my place in my adopted family, my right to be there, my undeniable sibling relationship with my parents' other four children. No one has ever caused me to question if my parents were truly mine.

When I was six years old, my father died very suddenly and tragically. You can imagine the distress that followed. My mother was suddenly a single parent with five children, in the seventies, when being a single parent was not nearly as common as it is now, and few supports

were in place. There was immeasurable grief, confusion, a bit of chaos, economic challenges, as we struggled to reinvent ourselves as a one-parent family. Fortunately, there was also a great deal of love and support from our community, and our family survived and thrived.

Now, imagine this situation again if only one of my parents had legally adopted me. Imagine if that had been the parent who died. What would have happened then? Would I have gone back into the Children's Aid system after six years? Would I have lost, first, a parent and then lost an entire family? Imagine if the surviving parent was the one who had legally adopted me. Would I have been the only one not to inherit from my father's estate, watching as the others later went on to university with the help of his insurance policy?

This might seem like an extreme example, but it is simply the story of my life and what might have been if the system only allowed one adult in a family to adopt a child. Yes, it does sound ridiculous. We cannot image it. Not even in 1965 was the child welfare system so out of touch with the needs of children and families.

However, today, in 2002, there are couples raising adopted children in their homes who are the legal child of only one parent. Remember, that there have been no barriers within the law for years preventing a gay or lesbian person to adopt a child as a single parent. Therefore, this situation is far more common than you might think.

In these families, just as in our family, the non-legal parent could be denied family health coverage through their employers. They could be denied time off work to care for a sick child. In fact, under the bereavement-leave guidelines in some workplaces, the non-legal parent would not even qualify for time off to attend the funeral or grieve if their child were to die. Non-legal parents do not qualify for employment insurance parental leave if two parents wanted to share the time off that is available for adoptive parents. Non-legal parents may be prohibited from travelling with the child, especially out of the country. No doubt, there are other risks and barriers that our family has not yet encountered.

In conclusion, I want to say that most same-sex couples set out like most opposite-sex couples when we start our families. We come together out of love, common interests, passion, a desire to journey side by side through life, and, like many couples, this sometimes leads to a desire to become bigger than ourselves, to expand the relationship, to create family. This is when we turn to alternative insemination, adoption or surrogacy to create our families. These are options that opposite-sex couples also must turn to on occasion. Like anyone else, we set out with good intentions to create fair, loving and equitable relationships, and, like everyone else, sometimes our families break down or our partners die. Sometimes our families of origin do not support our relationships and interfere in the rightful distribution of assets or the guardianship of surviving children. It is for these reasons that you must pass this bill into law. The Government is finally doing the right thing in taking steps to protect all of its citizens regardless of sexual orientation.

No matter how you may feel personally about same-sex relationships or about children being born or adopted into our families, the indisputable facts remain. We already are a family. Our daughter is being raised by two parents who love her deeply. Same-sex adoption legislation will ensure that she has the same basic rights as other children and that we, her parents, are held accountable to the same standards as other parents. Thank you.

Mr. Chairperson: Thank you for your presentation.

Ken Mandzuik, who appears as No. 36 on the list of presenters, has indicated he wishes his presentation to be included as a written submission. Does the committee grant its consent to include this submission in the committee transcript? *[Agreed]*

The next presenter is No. 29, Erika MacPherson. Please proceed.

Ms. Erika MacPherson (Private Citizen): Thank you. This is my partner, Jackie Hagel, whose name, somehow, was left off the registration, and our daughter, Eva.

I just wanted to start by saying that we are really happy that The Vital Statistics Act has been amended to allow partners to be registered as parents on the birth certificate. This is a great thing. It is great for future common-law parents, as they will not have to go through the frustration and the humiliation that we went through after Eva was born.

We have been partners together for seven years, and we did not come lightly to the decision to have a child and expand our family. We would have both been happy to have the experience of childbirth. However, it was irrelevant to us who carried the child because we both could do that. So we both tried, and nine months later we excitedly filled out our birth registration forms, but we noticed when we filled them out all the while that there were some lines missing on the birth registration form, so we just did the best we could under the circumstances. We just put our names in there and did the best we could.

Anyway, Jackie got a call a few months later from the Vital Statistics office telling her that she had filled out the form wrong, and that they would fill it out for her again, that she would be registered as a single parent and that Eva could not have my last name, which is how we had registered her; which was extremely frustrating—and humiliating—at the same time. So, like I say, it is really good that the amendments have been made so that common-law partners can be named on the birth registration.

We now face another hurdle in our family, and that is that I have to adopt Eva. Even though I can retroactively go back and we could put my name on the birth registration form and the birth certificate, I have to adopt Eva, if I want to be legally her parent under the law. That involves home studies. It involves great expense. It involves a court appearance. We are a family. We are equal parents in Eva's life, and we always have been, and it really makes no sense that I should have to adopt my own daughter. I was an equal part of conceiving her in our lives so it makes no sense that I should have to adopt her. So, under the law, we should be considered equal. If now we go back and retroactively change her birth certificate and my name is on there, and I am a parent for all intents and

purposes on the birth certificate, I should not have to adopt her.

So we are just hoping that you will amend The Vital Statistics Act yet one step further so that common-law partners and social mothers will be deemed legal parents by virtue of having their names on the birth registration, on the birth certificate. That is all we came to say.

Mr. Chairperson: Thank you for your presentation. We will now begin the out-of-town presenters, beginning with No. 2, Larry Speiss. Please proceed.

Mr. Larry Speiss (Private Citizen): Okay, this is an oral presentation, so I did not bring 20 copies. I am sorry.

Before beginning, I would like to thank the Chair and the honourable members of the committee for allowing me this opportunity to speak. I am 44 years old, and other than my university years, I have always lived beyond the Perimeter. I am currently postmaster up at Arborg, in the Interlake, and have been with Canada Post for over 21 years.

I see this bill as a badly needed complement to the legislation passed last year in which the Government updated some laws, but specifically excluded extending rights to gay and lesbian parents. Having several friends and acquaintances who are both parents and in same-sex relationships, I was concerned at the implication that they had no rights to their kids.

At the time, I wrote several letters to my MLA, Mr. Tom Nevakshonoff, to the Attorney General (Mr. Mackintosh), the Premier (Mr. Doer), the leaders of the Conservative and Liberal parties. My MLA, Tom, and Doctor Gerrard responded promptly, the Premier six months later, and I am presuming the replies of Mr. Murray and Mr. Mackintosh got lost in the mail. It struck me that justice was not a high priority and that my friends are basically on their own.

One such set of friends is two men who have been together for nearly 25 years. About 7 years ago, they adopted a native child, or I should say, under the law, one of them adopted a son. His

lifetime partner has no legal status under the legislation to date, and should something happen to his partner, what would happen to the kid? Surely we are not proposing the boy would be stolen away by Child and Family Services.

Then there are friends who are parents through marriage to someone of the opposite sex and who are divorced and now in same-sex relationships. In some cases, they are the custodial parents, while in other cases they have visitation privileges. I realize divorce is a bit stickier, but what is the status of the man's or woman's same-sex partner in case of an emergency and neither biological parent is available?

A close friend of mine, who I met while I was posted at Winnipeg Beach, had a son from a one-time thing. Over the years, she was determined to raise the child on her own, to do it on her own. She worked as a working mother, working poor. She never had enough time or energy or money for her home. Three years ago, she found another woman to spend her life with. Again, I ask you what would happen if something became of her. Her partner would have more rights to the German shepherd than to her own stepson.

The principle of the welfare of the child should always be the guiding principle. We cannot prejudge gay and lesbian couples, just as we no longer prejudge unwed mothers or Aboriginals.

* (19:20)

Having lived and worked in four different towns over my career, you hear lots of gossip and innuendo about parents who are said to be abusing their kids. I have no concrete proof that any physical, mental, emotional or sexual abuse was taking place, but, in small towns, people do know a lot more about the neighbours than they let on. In many of these families, the parents were active in their churches—be it Catholic, Anglican, United, Lutheran, Mennonite, or whatever. On the other hand, where there has been gossip or innuendo about gay and lesbian parents, I have never heard them connected to child abuse or abuse of their kids.

I grew up and attended school in Neepawa, and just a few years ago, a classmate of mine

won a case against her natural father for abuse that she suffered as an adolescent. I was shocked, basically because I knew her—it was the first person I knew as a victim—and, even more so, because her family had struck me as being very religious. For her pains, the family has essentially disowned her.

There is no guarantee at all that a child's natural parents will raise him or her with the respect, the dignity, the care and the security that is required. There is no guarantee that a parent who is devout or an active Christian or a fundamentalist will not abuse the children in their care. There are no guarantees that a child with a traditional mother-father household will be better adjusted than a child living with two moms or with two dads.

I have read the report of the review panel on the common-law relationships, and I really cannot add anything to what they have researched or said. It was a very thorough undertaking, and I would hope that the work of its members will be taken seriously by all members of the Assembly. The Province's main concern should always be the welfare and the security of the child, and the laws should reflect that. We need to recognize that kids are being raised in non-traditional families and ensure that our laws assist those parents in raising those children to the best of their ability. Thank you.

Mr. Chairperson: Thank you for your presentation. Mireille Clark, who appears as No. 40 on the list of presenters, has indicated she wishes her presentation to be included as a written submission. Does the committee grant its consent to include this submission in the committee transcript? *[Agreed]*

The next presenter is No. 11, Jaik Josephson or Brent Lott.

Floor Comment: Hi, there.

Mr. Chairperson: You do not look like Jaik or Brent. I understand you are going to present on their behalf.

Floor Comment: Yes.

Mr. Chairperson: Is there consent of the committee to have this person present on their behalf? *[Agreed]* We need your name first.

Ms. Tammy Gutnik (Private Citizen): My name is Tammy Gutnik.

Mr. Chairperson: Thank you. Please proceed.

Ms. Gutnik: I am just going to read this verbatim from their statement.

As of January 2003, we will have been a couple for 15 years. During our time together, we have been subjected to exclusion, alienation and homophobic violence. Many within the gay and lesbian communities have tired of waiting for the state to give us our rights. We have been forced to move on, to experience the fullness of our lives without the protection of laws and policies; a liberating and necessary adaptation to bigotry, but still there are those of us who wish to be part of a larger society. We are waiting to embrace all of the rights and responsibilities that come with such membership. News of the Charter Compliance bill brought us a sense of relief. While it is clear that changing laws cannot dictate an immediate end to prejudice, government sanction does provide a long-overdue message of validation and welcoming.

Of particular relevance to us are the proposed changes to The Adoption Act. Despite significant obstacles in both our private and professional lives, we have made a commitment to improving the lives of children. In 1992 we were licensed as foster parents with the stipulation that children in our care would be limited to adolescent boys who identified as homosexual or babies with AIDS. Child and Family Services had not previously processed an application from a male couple. The well-meaning social worker explained that while the agency had previously accepted lesbian couples and single males as parents, they were unfamiliar with our style of kinship. She cited concern about community perceptions of gay men as pedophiles. Despite our temptation to quit our jobs and open up every spare room in our house to children deemed too undesirable for mainstream families, we declined to pursue our dream.

By 1994, the child welfare policies had taken a more inclusive stance. The greatest gift of our lives together has come in the parenting of two beautiful children. We busied ourselves arranging music lessons, attending parent-

teacher meetings and driving a son and a daughter from one event to another. Like any other parents, we worried when they came home late; we struggled over math homework; we held their hands through the hardships of adolescence. We were and are a family regardless of legalities, yet, still, it would be our greatest wish to look toward adoption to assure our children of all the legal and social protection taken for granted by children of heterosexual couples.

While our foster children have now reached the age of majority, the proposed changes to The Adoption Act provide a powerful statement in support of the next generation of families who are vulnerable to social exclusion. As in all long-term relationships, we have reached the life stage where it is necessary to make plans for old age. While we enjoy the benefits of good health, and still have many years in the workforce, the unpredictability of life requires careful consideration about how to manage the future. However, current policies do not adhere to our deep commitment to ensure the well-being of each other. In the dreaded event of an individual becoming incapacitated, who but one's intimate partner should hold the power to determine end-of-life issues? Decisions surrounding health care and the division of acquired property must be protected in order that gays and lesbians can enjoy the rights and uphold the responsibilities inherent in kinship contracts.

We have been lifelong residents of both rural and urban Manitoba. Despite opportunities elsewhere, we remain passionate about what our province has to offer. Our relationship is fully supported by a large network of friends and family who participate locally in all political parties and faith communities. We volunteer our spare time to a range of political and cultural organizations in the hopes of contributing to the enrichment of the Manitoba experience. But for many gays and lesbians, larger urban centres continue to hold the promise of a more tolerant and open social milieu.

With the introduction of progressive political policies such as Bill 34, a powerful invitation has been extended to our community. We are welcome. We are safe. We can make the choice to comfortably live in the place we have always known as home. Thank you.

Mr. Chairperson: Thank you for your presentation. The next out-of-town presenter is No. 25, Jean Chennell.

Ms. Jean Chennell (Private Citizen): Good evening, my name is Jean Chennell, and I would just like to state that I strongly support the Charter compliance bill, No. 34.

Mr. Chairperson: Excuse me, Jean. I am going to ask you to get closer to the microphone. Thank you.

Ms. Chennell: I strongly support the Charter compliance bill. It is the only fair way to ensure that all people are treated with dignity and respect regardless of sexual orientation or people's decision to live common law as opposed to being married.

I have been in a same-sex common-law relationship for over 20 years, and we have raised four children who are heterosexual and solid contributing members of the public. I found it insulting that the Government did not see fit to recognize same-sex adoption and, therefore, am very glad to see it being recognized in this bill. It has been costly to legally ensure our rights as same-sex partners to have the same rights as other couples regarding property, accurate wills and end-of-life issues and to ensure that our children are treated equally.

This bill will, hopefully, allow for further recognition of our status—for example, in hospital for visiting—without continued battles with authorities. The right of equality is paramount to all citizens being accepted to help reduce racism, homophobia and other underlying causes of hatred. I hope the Government will continue to amend all laws that persist in maintaining inequality. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenter is No. 34, Robert Humphrey.

Mr. Robert Humphrey (Private Citizen): Good evening, ladies and gentlemen. I want to applaud the Legislature for this opportunity to give a presentation on issues that are a concern to us, as this privilege is not extended in every

province. A true democracy listens to its constituents and gives careful consideration to their concerns. As you often say, we are here to serve. For this opportunity, I thank you.

I am Robert Humphrey, and I was born in Timmins, Ontario, in 1954. I have been living in Manitoba with my family since 1998. I was born again in 1994, this time in the Spirit, which means that I am a full-fledged, evangelical, born-again Christian, which, according to most media, atheist and homosexual community, I am the worst kind. I stand before you today as an ambassador for Christ, not a title I earned, but received the day I accepted Jesus Christ as my Saviour and Lord of my life. Having said that, it would be outrageous for anyone here to disagree with anything that I am about to say.

* (19:30)

I have sent you all a copy of the research paper entitled *The Potential Risks of Homosexual Parenting to Children* that was compiled by Professor Lynn D. Wardle from Brigham Young University, wherein the 1997 *Illinois Law Review* exposed flawed social science studies comparing same-sex and opposite-sex child rearing.

This a quote from his study: At least 90 different law review articles, comments, notes, and essay pieces primarily addressing custody, visitation, assisted procreation and adoption issues involving gay or lesbian parents have been published since 1990, compared to only 3 pieces published in the same period 20 years earlier. In contrast to the law review, publications addressing same-sex marriage two decades earlier, the most recent review literature of same-sex marriage and homosexual parenting has been drastically imbalanced. Only 1 of the 72 pieces published in the nineties unequivocally supports the rule of exclusive heterosexual marriage, where 67 pieces advocate or support same-sex marriage. Thus, the ratio of recent law review literature that favors same-sex marriage to that opposing it is roughly 67 to 1, hardly a record of a fair exchange or serious examination.

Likewise, virtually all of the law review literature addressing homosexual parenting advocates the politically popular progressive

position favoring legalization or expansion of legal status, benefits and privileges for homosexual parenting. An imbalance even greater in the article is addressing homosexual parenting. None of the articles contain substantial criticism of proposals to legalize or expand the legal status of homosexual parents.

Such unanimity in the law review literature is quite remarkable. Because lawyers generally are known for their penchant to discuss all issues from the other hand, to espouse alternative perspectives, and generally to disagree and to produce more opinions on a given subject than the number of lawyers involved in the discussion, the absence in the law review literature of virtually any substantial disagreement with the orthodoxy favoring homosexual parenting is quite notable.

Moreover, the monolithic solidarity of the law review literature endorsing homosexual parenting stands in stark contrast to the sharply divided public controversy regarding homosexual parenting. The substance of the position promoted in the law review literature hardly reflects general public opinion either. In fact, public opinion polls indicate that the American people strongly disfavor adoption by same-sex couples.

For instance, in 1993, a study by Philip A. Belcastro, an independent examination of theme methodological validity and reliability of 14 post-1975 published data-based studies addressing the effects of homosexual parenting on children's sexual and social functioning found: The most impressive finding is that all of the studies lacked external validity. Most were biased toward proving homosexual parents were fit parents. Some of the published works had to disregard their own results in order to conclude that homosexuals were fit parents.

The study concluded that the statement that there was no significant difference in children reared by homosexual parents versus heterosexual parents is not supported by the published research base.

In your opinion, do you feel that you need to take more time to evaluate the merits of these

biased studies before placing defenseless children in homosexual homes?

I wonder if Dr. Robert Spitzer wished that he had taken a closer look at the research before he made one of the worst decisions of his professional career. He has played a critical role in why we meet here tonight. This article is written by Mark Cowan, dated May 10, 2001, titled "Psychiatrist to APA: Homosexuals can Change."

The American Psychiatric Association is on record claiming that reparative therapy for homosexuals does not work. But that position is being seriously undermined by a new study from a very influential man. Columbia University psychiatry professor Dr. Robert Spitzer made a landmark presentation to the American Psychiatric Association, APA, on Wednesday. Spitzer told the nation's psychiatrists that his research shows homosexuals can change their sexual orientation.

Mr. Vice-Chairperson in the Chair

I interviewed 200 subjects who claimed that they had changed their sexual attraction from homosexual to heterosexual, Spitzer said. Essentially what we found is that, first of all, in terms of sexual attraction, the vast majority had made major changes. Does this mean Spitzer believes a homosexual can change their heterosexuality? Absolutely. Absolutely, he said. I approached this quite skeptical and I have been convinced otherwise. Dr. Joseph Nicolosi, president of the National Association for Research and Therapy of Homosexuality (NARTH), said his findings are monumental and will be difficult to ignore.

This is clearly a historic event in the history of psychiatry's understanding of sexuality, said Nicolosi. What makes Spitzer's new position so monumental is the fact that he was the chief architect of the APA's 1973 decision to remove homosexuality from a list of disorders. In other words, he normalized homosexuality. Nicolosi said one question remains: Was Dr. Spitzer's work influenced by a religious bias? I am an atheist, Jewish, secular humanist, Spitzer said. I was before this study, and I continue to be one now. He said there is no reason to believe that

those he interviewed were lying about their changes from homosexuality. The research included people with five years of recovery currently engaged in healthy heterosexual relationships.

In your opinion do you feel it is wise to place children in an environment without doing valid research on the effects this will have on their welfare?

Professor Wardle continues with designing families that would exclude fathers. Point: to allow homosexual women to adopt deprives a child of a father. Separation of children from their fathers is a leading cause of declining child well-being in our society. It is also the engine driving our most urgent social problems, from crimes to adolescent pregnancy to child abuse to domestic violence against women. Fatherhood is fragmenting in role. The two consequences of fatherlessness in American society are rising youth violence and declining child well-being. It has been observed that boys with fathers rarely commit crimes; fatherless boys commonly commit crimes. As one commentator notes, surveys of child well-being repeatedly show that children living apart from their fathers are far more likely than the other children to be expelled or suspended from school, to display emotional and behavioural problems, to have difficulty getting along with peers and to get in trouble with the police.

Accordingly, the preconditions for effective fatherhood are co-residency with children and a parental alliance with the mother. Bronislaw Malinowski maintains that the most important moral and legal rule concerning the physiological site of kinship is that no child should be brought into the world without a man, and one man at that, assuming the role of the sociological father, that is, the guardian and protector, the male link between the child and the rest of the community. This generalization amounts to a universal sociological law. The consequences for children of effective fatherhood are compellingly beneficial. Parental investment enriches your child in four ways. First, it provides them with the father's physical protection. Second, it provides them with the father's money and other material resources. Third, and probably most important, it provides them with what might be

termed parental cultural transmission, a father's distinctive capacity to contribute to the identity, character and competence of the children. Fourth, and most obviously, paternal investment provides children with the day-to-day nurturing, feeding them, playing with them, telling them a story, that they want and need from both of their parents. In virtually all human societies, children's well-being depends precisely upon the relatively high level of parental investment.

* (19:40)

In your opinion, do you feel that is healthy for a child to be placed in a designed family which excludes fathers? What can we learn from other countries?

Professor Wardle states: In the past eight years, four independent Scandinavian countries, Denmark, Norway, Sweden and Iceland, have legalized same-sex domestic partnerships extending to those registered relationships virtually all the economic incidents of heterosexual marriage. However, those permission laws are quite restrictive with regard to child-rearing rights. The Icelandic law specifically excludes same-sex couples from adoption and artificial insemination. In Denmark, the same-sex couple may not adopt a child or exercise joint custody. The Swedish law excludes adoption, joint custody and fertilization in vitro for registered same-sex domestic partners. In Norway, same-sex registered partners may not adopt.

All of these countries manifest a permissive policy concerning relations between two consenting adults, but all take a paternalistic posture when it comes to protecting children. The common theme is that adults can do what they want with regard to consenting adults, but they are not free to do what they want with regard to children. These nations take great care to prevent adults from subjecting children to the potentially detrimental effects and consequences of adult sexual preferences. Although homosexual behaviour may not bar a responsible biological parent from asserting parental rights, consistent again with the permissive non-judgmental attitude about adult behaviour, the Scandinavian states put the needs and interests of the child ahead of the autonomy of the rights of adults.

I do not know of any other nations whose laws are so sexually permissive. I would call it

morally bankrupt; however, even they will not allow homosexual couples to adopt.

In your opinion, do you feel that the Scandinavian nations know something that the NDP government does not? Do you feel that you need to put the interests and the safety of the children ahead of the perceived rights of homosexual couples?

I want to start my conclusion from a letter to the editor which I wrote, that he published: The Province of Manitoba is working hard at passing into law Bill 34. This bill will allow homosexual couples to adopt children. The children of our province are at risk and they need your help. The NDP government is trying to wash their hands of the responsibility of this bill by communicating that they are being pro-active, because the current laws under The Adoption Act would not be Charter-compliant. This means they believe that if the current adoption laws were challenged in court, they would be found unconstitutional, so why not change them now. This way, at election time, they can say they had no choice and had to pass these laws.

Now that the political spin has been uncovered, let us deal with some facts. The adoption laws have not been challenged in court, so they have not been found unconstitutional. If they were challenged and found unconstitutional, Premier Gary Doer could invoke the notwithstanding clause to exempt Manitoba. So let us be clear that this is a matter of choice and desire of the NDP government to pass legislation. Let me add there are a substantial number of Conservatives that are going to vote for this bill also. Let us also be clear that God will hold every MLA accountable for your vote, as well as the citizens of this province at election time and the children that you are placing in harm's way.

I have been told that they will not likely hold a recorded vote, which will allow some to hide their vote by saying this was a vote of conscience and a private matter. We, the people of Manitoba, have the right to know how you voted, so I ask that you respect the democratic process and have a recorded vote.

I have been speaking as an ambassador for Christ. Now I close with the words of the King

of Kings, Lord of Lords, Jesus Christ. "At that time, the disciples came to Jesus, saying, 'Who then is the greatest in the kingdom of heaven?' And he called a child to Himself and set him before them, and said, 'Truly I say to you, unless you are converted and become like children, you shall not enter the kingdom of heaven. Whoever then humbles himself as this child, he is the greatest in the kingdom of heaven. And whoever receives one child in My name receives Me; but whoever causes one of these little ones to believe in Me to stumble, it is better for him that a heavy millstone be hung around his neck, and that he be drowned in the depth of the sea.'"

I would be happy to answer any questions that you might have.

Mr. Vice-Chairperson: Thank you very much. The next presenter is Carol Hartman.

Floor Comment: Number?

Mr. Vice-Chairperson: Number 39, Carol Hartman. Carol Hartman's name will be dropped to the bottom of the list and be read one more time.

An Honourable Member: She could be in the other room. Maybe she is in the other room?

Mr. Vice-Chairperson: We will just check if she is in the other room. Is it the will of the committee to go to presenter 42 and give Carol a moment and call her again, in case she is in the other room? *[Agreed]*

Okay, we will go to No. 42, Pastor David Reimer. Do you have copies of your presentation?

Mr. David Reimer (Pastor, Shalom Family Worship Centre): I do, Mr. Vice-Chair.

Mr. Vice-Chairperson: You may start whenever you are ready.

Mr. Reimer: For the record, my name is David Reimer, and I pastor a church called Shalom Family Worship Centre, located in Steinbach, Manitoba. I am a constituent with our MLA present, Mr. Jim Penner. I acknowledge him as our representative, and I am happy to be a citizen

in his constituency. I also happen to be the pastor rep for Manitoba for 15 of our fellowship churches, located all the way from the northern part of our province, all the way through Winnipeg and to the southern parts of our province as well, which boast in attendance on a weekly basis several thousand members.

I want to acknowledge, first of all, and express my appreciation to all of the committee members for hosting this hearing at this time, albeit with short notice for some people who would be on vacation and who would have liked to have been here in person and made presentations as well.

The preamble to our Canadian Constitution states that Canada was founded upon principles which recognize the supremacy of God and the rule of law. The God referred to here in Canada's Constitution is the God of the Bible. It is capital G, God, the creator of the heaven and the earth and every living thing in the entire universe. This God, who is my God, has inspired the writing of His book, the Bible, the Holy Scriptures. The Holy Bible is referred to as God's word, and is still the most popular and best-selling book in all history. It is recognized to be the accepted standard of moral and ethical principles both in the church and in our society in general.

I want to read a passage from His book. Remember that I am only reading what He, God, said. Found in Romans 1:18-32, it said:

The wrath of God is being revealed from Heaven against all the godlessness and wickedness of men who suppress the truth by their wickedness. Since what may be known about God is plain to them, because God has made it plain to them, for since the creation of the world God's invisible qualities, His eternal power and divine nature have been clearly seen, being understood from what has been made, so that men are without excuse. For, although they knew God, they neither glorified Him as God, nor gave thanks to Him. But their thinking became futile and their foolish hearts were darkened.

Although they claimed to be wise, they became fools and exchanged the glory of the

immortal God for images made to look like mortal man and birds and animals and reptiles. Therefore, God gave them over in the sinful desires of their hearts, to sexual impurity for the degrading of their bodies with one another. They exchanged the truth of God for a lie and worshipped and served created things rather than the Creator who is forever praised. Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way, the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men and received in themselves the due penalty for their perversion. Furthermore, since they did not think it worthwhile to retain the knowledge of God, He gave them over to a depraved mind to do what ought not to be done.

They have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, slanderers, God haters; insolent, arrogant and boastful. They invite ways of doing evil. They disobey their parents. They are senseless, faithless, heartless, ruthless. Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but they also approve of those who practise them.

* (19:50)

Mr. Chairperson in the Chair

This was not only an accurate description and a stern warning by the Apostle Paul about the moral climate in his day, but it is also, my friends, a clear picture of our society in North America today.

In the Old Testament, in Leviticus chapter 18, verse 22, it says:

Do not lie with a man as one lies with a woman; in other words, have sexual relations, for that is detestable to God. The context here is that God places homosexual relations in the same category as incest, bestiality and killing innocent children as a human sacrifice. God says in verses 24 to 29 that these evil practices defile the land or the nation and the land will vomit

these people out. In other words, these forms of perversion will make the whole nation sick to the point of vomiting and will bring about the judgment and the punishment of God.

Verse 29 states: Everyone who does or condones any of these detestable acts, such persons will be cut off from their people. Verse 30 says: Keep my requirements and do not follow any of these detestable customs and do not defile yourself with them. I am the Lord your God.

Society today takes some of these practices lightly and sometimes even trying to make them acceptable, but they are still sin in God's eyes. If we consider them to be acceptable, we are not judging by God's standards. As hard as society may try to change, revise and alter God's laws in favour of what is today termed as being politically correct, God's laws are unalterable and he is not a God who changes his mind.

Neither government legislation, nor the compromise and dilution of certain religious beliefs, can alter what God has said in His word, which is the standard of righteousness by which he will judge.

I choose, personally, to be biblically correct. I would rather be unpopular among the gay and lesbian community today than to face the wrath and judgment of Almighty God for all of eternity.

Regardless of your recommendation to the Legislature based on your interpretation of these hearings tonight, and should this proposed amendment be accepted by the Province of Manitoba granting adoption privileges to same-sex couples, that will not change God's law, and it will not make it right. God alone is sovereign, and He can only offer His blessing when we obey His word and when we live by his principles.

You need to be aware that with your decisions and your actions here in the provincial Legislature come long lasting and potentially severe consequences. You have a great and God-given responsibility. Homosexuality is considered an alternate lifestyle and an acceptable practice by many in our world today, even by

some churches. But society and the church does not set the standard for God's law. It is clear from Scripture that homosexuality or same-sex relationships are strictly forbidden. God does forgive our sins and our transgressions but only when we repent and turn from our sinful lifestyle.

Obviously, I am personally opposed to this amendment proposal. I would like to officially register my opposition as a Canadian citizen based upon our Constitution, and as a resident and taxpayer in Manitoba and representing our local church congregation in Steinbach, and our fellowship of churches located all across this province of Manitoba.

Please, please recommend that the Government reconsider this amendment proposal which would grant adoption privileges to same-sex couples based upon both the Constitution and biblical grounds. Please vote against Bill 34 in its present form and please recommend that the vote be recorded and be made public. Thank you for the opportunity to make this presentation tonight according to our democratic political system. May God grant you wisdom and bless you.

I would like to conclude my remarks by sharing this personal story as others have done on the other side before me. Over the past 10 years, my wife Kathy and I have had the privilege of fostering approximately 35 children through Child and Family Services. Some have been long-term placements of up to 8 years, and others were short term of only a few weeks. We still currently serve as an emergency home in southeastern Manitoba. One of the reasons why we have had a good reputation and are considered to be a desirable foster home is because we are a traditional family unit of a husband-father and a wife-mother. We function in a loving, happy, monogamous marriage relationship. We love God, we love our country, and we live by Christian values and principles, which is our heritage here in this country, Canada.

Several of the young people who were teenagers when they came into our home remained with us until after they had completed their high school education and graduated.

Today they have moved on successfully. Some are married and have their own children and consider us to be their grandparents. Others are in the labour force and are respectable law-abiding citizens making valuable positive contributions to our society. We have an ongoing and personal relationship with many of these special people who are our extended family.

One young lady who is now entering Grade 12 this fall applied to serve as a page in this Legislature based on my encouragement and my personal reference. She just received the acknowledgment that she had been indeed accepted for that position, and was she ever excited. Our lives have been enriched by the joys and by the challenges of this experience.

It is important for you to know that my wife and I practise what we preach. We do obey the laws which honour God. We do respect and pray for those whom God has placed in authority over us, our Government, and that includes all of you. Thank you for your time.

Mr. Chairperson: The previous out-of-town presenter Carol Hartman's name was called and they canvassed the other room, and apparently she is not here, so her name will be dropped to the bottom of the list. I believe the last out-of-town presenter is John Froese, No. 52.

Mr. John Froese (Private Citizen) I am here to have my vote recorded that I stand in opposition of Bill 34. That is it.

Mr. Chairperson: Thank you for your presentation. Now we are going to start at No. 1. Karen Busby, please.

Ms. Karen Busby (Private Citizen): Of course, I brought copies of my presentation and some additional information.

Mr. Chairperson: Please proceed.

Ms. Busby: Mr. Chair and committee members, I am Karen Busby. I have been a lawyer for 20 years, and I have been a law professor for 14 years at the University of Manitoba. Much of my work as a lawyer, researcher and teacher has been to examine ways in which laws function to keep socially disadvantaged groups marginalized. I try to make my work responsive to

the needs of the communities it affects, and practical and action-oriented. My work is focussed on how sexuality is used in law to subordinate women and girls, particularly those who have been sexually assaulted, those who are prostitutes, children exploited in the sex trade, and lesbian women.

* (20:00)

Over the last decade, I have met with many feminist and queer groups and individuals on a local, provincial and national level to discuss the issue of how our relationships should be treated in law. These meetings have resulted in national support for the principle of full equality; that is, that same-sex common-law relationships should enjoy the full protection and respect of law and be subject to the same obligations, benefits, rights and responsibilities as heterosexual couples. A very small minority, actually about two people out of the hundreds in the Manitoba queer community with whom I have spoken in the last two years, disagree with some of the provisions in Bill 34, its companion, Bill 53, or the amendments made last summer.

Thus, I have no hesitation in stating that the principle of full equality animating these bills and how it has been realized in these bills enjoys overwhelming support in Manitoba's gay, lesbian, bisexual and transgendered community. I am pleased that Bill 34, together with Bill 53, is comprehensive. As far as I can tell, it leaves no stone unturned on laws prohibiting anti-discrimination on the ground of sexual orientation and laws regarding the recognition and support of our relationships when they are being created, while they endure and when they end. These two bills will ensure that Manitoba's NDP government has done everything it can in provincial legislation to ensure that queer relationships are afforded the protection, dignity and respect that the law can give.

This is especially evident in the amendments proposed concerning adoption and end-of-life issues. With two caveats, which I will mention shortly, I want to state that, once these two bills become law, Manitoba will have the most comprehensive provincial laws on queer relationships in all of Canada and, therefore, indeed, in all of the world.

I want to acknowledge on the record before this committee that a few people in government have shown a willingness to go the extra mile to figure out what our community needed, and they have done a great job. In particular, I should mention the Minister of Justice, Gord Mackintosh, and MLA Jim Rondeau, who have had the courage to push for the right thing, and Department of Justice lawyers Colette Chelack, Ann Bailey and Holly Penner, who have worked hard to ensure that these two bills are comprehensive and workable.

I want to speak very briefly on three matters: one, adoption law; two, birth registrations; and, thirdly, on gender identity discrimination. This committee has heard opposition to extending gays and lesbians the ability to adopt children on the ground that such adoptions cannot be in the best interests of children. With permission of counsel, I have filed with this standing committee the affidavits and expert reports of Dr. David Brodzinsky and Dr. Katherine Arnup that were filed in the case of A.A. against the Attorney General of Manitoba, which is a case challenging the constitutionality of Manitoba's current adoption laws. I would like to ask the Chair if it is possible that these affidavits can be reproduced as part of the record in these proceedings, as they are extremely comprehensive, and reproduction would ensure that they are widely available.

At this time, though, I would like to draw the committee's attention to some important findings in these reports that I would like to read into the record. If we can start with Katherine Arnup's report, which I think you all now have copies of, I am just going to read some of the provisions, some excerpts from this report. So if you turn to paragraph five, first, of Katherine Arnup's report. She says: There is a common perception that the structure of the "family" has never changed and that the traditional nuclear family is, and has always been, the only "real" family form. My review of the historical record has not supported this view.

Then she goes on. Paragraph 10, she says: My review of the research indicates that the traditional nuclear family has changed dramatically over the past 40 years. The development of reproductive technologies such as in-vitro fertilization has enabled many heterosexual

couples, single women and gay and lesbian couples to become parents.

She goes on further. Paragraph 12, and this one is very interesting. She says: My review of the research shows that crisis in the family has been a recurring theme in Canadian history. I note that virtually every decade of the 20th century can be characterized by its own unique crisis in the family. I conclude that, despite this unending cycle of change, families persist and most adults continue to form stable relationships. I also conclude that changes to the law that reflect different family forms do not destroy the family. She then cites Cynthia Comacchio in her report who stated: Families persist because they are elemental and change because they are constructed and reconstructed to meet specific social needs and objectives.

Finally, from Arnup's report, I would note paragraph 18. She says in paragraph 18: From my review of the research, I note that same-sex couples form committed, loving relationships and families which are comparable to heterosexual couples. I conclude that children are not detrimentally affected by being raised by same-sex couples and that children raised in these families show a great degree of tolerance and diversity. I note that they may experience peer ridicule, but in my opinion greater social support and legal protection of lesbian and gay families would remove the stigma associated with same-sex relationships.

If we could then turn to the report of Dr. David Brodzinsky which I have also given to you and start at paragraph 4 in that report. In paragraph 4 he summarizes the main points from his report. In particular, I would note (d) where he says: The most reliable determinant of an adopted children's healthy development, like other children, is the quality of the parenting they receive. Gays and lesbians have the same qualities associated with effective parenting as do heterosexual individuals. Gays and lesbians are already adopting children and doing a good job of parenting. And, finally, that case-by-case, pre-adoption evaluations are sufficient to protect the best interests of children.

In paragraph 11, he says: My research also addresses the belief that children need both a

mother and a father. My review of the research shows that it is parenting style, and not the gender of a particular parent that is important. In his opinion, children benefit when a parent is warm, caring, respectful of their feelings and needs, supportive of their activities and interests and able to provide appropriate structure and limit setting when necessary.

He then goes on. Paragraph 15, he says: The next part of my report deals with second-parent adoption, which is when a gay or lesbian individual seeks to adopt their partner's biological or adopted child. In my opinion, children benefit when this happens because the second parent adoption provides greater stability and strengthens the commitment of the family. I note, also, that there are practical benefits to children such as additional health coverage and inheritance rights.

Most importantly, in David Brodzinsky's report, I want you to turn to page 24 of the actual report, paragraph 53, where he addresses many of the misconceptions about gay and lesbian parenting. This is on page 24 of the actual report, paragraph 53.

He says: In my testimony, based on my own review of the literature as well as years of clinical and consultative work with gay and lesbian parents, I will argue that—I will skip over the citations that he gives—homosexual and heterosexual parents show few differences in terms of emotional adjustment and parenting behaviour. Homosexual men are no more likely to commit child sexual abuse than are heterosexual men.

Partners of lesbian mothers display more skilled caregiving and are more involved with the children in the family than their heterosexual male counterparts. Lesbian co-parents appear to be more co-operative and compatible in parenting relationships than do heterosexual couples. Children of lesbian mothers show no evidence of greater psychological problems compared to children of heterosexual parents especially in terms of anxiety, depression, self-esteem, social relationships and indicators of general emotional and behavioural disturbances. The former group do report occasional peer teasing about their mothers' sexual orientation which sometimes creates stress and embarrassment.

He goes on to say both boys and girls of lesbian mothers display frequent departure from traditional gender role expectations in relation to behaviour, play, dress and aspirations compared to the offspring of heterosexual parents. He also notes that adolescents and young adult children of lesbian and gay parents have more friends and acquaintances who are gay and lesbian and they also report that they consider the possibility of a same-sex relationship to a greater extent than the children of heterosexual parents. However, he concludes by saying: There is no firm evidence that children raised by gays and lesbians are significantly more likely to identify as homosexual when they reach adulthood.

I just wanted to ensure that that evidence was on the record of this committee. That the social science evidence reviewed in these two reports does conclusively show us that gays and lesbians, that raising children in gay and lesbian families, can be in the best interests of the children.

I said that I have two caveats concerning the comprehensiveness of the amendments that have been proposed in Bill 34. I want to put those caveats to you now.

Last summer, the British Columbia Human Rights Tribunal ruled that a law which permitted a married partner but which did not permit a common-law partner to be registered as a parent on a birth certificate when the child born to that person's partner was conceived by artificial insemination violated human rights norms.

* (20:10)

While no such challenge has been made in Manitoba, this Government has recognized, rightly so, that the failure to recognize a common-law partner on a birth certificate when the child was born has led to some very practical difficulties for parents and their children. Therefore, I support the Government for making an amendment which will permit common-law partners to be registered as parents on their children's birth certificates.

However, in my view, this section still suffers from a serious omission. As the amendment now stands in Bill 53, both a married man and a common-law partner whose partner conceives a child through artificial insemination

are not the legal parent of that child for all legal purposes. Any good lawyer will advise them to go through a formal adoption.

I have no doubt that the vast majority of heterosexual families out there who have conceived children through artificial insemination would be shocked to learn that the relationship between the husband and the social or non-biological father and the children so conceived would not be recognized for all legal purposes. For the sake of these families, this gap in the law must be closed.

Moreover, the adoption process is expensive and invasive. While it is required in many circumstances, it should not be required when two people have made a decision to conceive a child together and both have been involved in the planning and the process of this event and have raised the child together from its birth.

Thus, I would urge this committee to recommend an additional amendment to The Vital Statistics Act to cover this gap. It can recommend this amendment. Where a husband or common-law partner has been registered as the father or other parent of a child, that person shall be considered, for all legal purposes, as a parent of that child.

Now, some may say that The Vital Statistics Act is only a registry act and not a statute which confers substantive legal rights and therefore that this amendment does not belong in this act. However, I would point out that substantive rights are granted by other sections of this act. For example, in the mid-1970s, section 25 of the act was amended to provide that transfolk who have undergone sex reassignment surgery can have their reassigned sex registered on their birth certificate. This section goes on to provide that a transperson can marry a person of the opposite sex to the transperson's reassigned sex. The common-law marriage is clear that a person can only marry someone of the opposite sex to the sex that they were assigned at birth and that sex reassignment cannot change eligibility to marry. Thus section 25 of The Vital Statistics Act currently does change the substantive common law on transgendered people and marriage.

Finally, I just want to note for this committee that the next frontier in anti-discrimination law will be to examine how law marginalizes and subordinates transgendered people. Bills 34 and 53, insofar as they make gender irrelevant to the recognition of conjugal relationships, should apply with equal force to relationships where one or both partners are transgendered.

However, our Human Rights Code and other statutes which contain anti-discrimination provisions do not prohibit discrimination on the basis of gender identity. I therefore urge this committee to recommend that the Manitoba Human Rights Code and other anti-discrimination statutes like The Defamation Act and The Discriminatory Business Practices Act, which are being amended by Bill 34 now to finally prohibit discrimination on the basis of sexual orientation are also amended to prohibit discrimination on the basis of gender identity. Thank you.

Mr. Chairperson: Mr. Maguire has a question.

Mr. Larry Maguire (Arthur-Virden): Thank you, Ms. Busby. Just in following your presentation under page 2, No. 4. At the bottom, you indicated that in your presentation you said as the amendment now stands in Bill 53. Your written copy says Bill 34.

Ms. Busby: It should be Bill 34. I am sorry.

Mr. Maguire: Okay. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenters are Jeremy Buchner and Gary Monkman.

Mr. Jeremy Buchner (Private Citizen): Good evening. I am Jeremy Buchner, and this is my partner, Gary Monkman. We are here to speak in support of Bill 34. We support everything it stands for, but simply we want to be dads.

I am very happy to hear the information that the previous speaker put forward on the social science information. I am a social worker, and I am entrusted with the responsibility of assessing the safety of children of our province, so it is very bizarre for me to realize that as a person, as

an individual person, not a professional social worker, I am not able to adopt with my partner.

I am from a very unique position in my life. I am not only someone who wants to adopt a child within a same-sex relationship, but I also am a product of a lesbian household. Earlier on this evening, we heard many sorts of studies that talked about the products of same-sex households being criminal, or a bunch of other stuff that was said, and I am here to say that I am a product of a lesbian household, and I am not a criminal. I am a social worker. I am a loving person. This household was not based on abuse or neglect. It was based on love and respect. Speaking on my part of the relationship here, I know that I want to pass that love and respect on to a child, and I know that my partner, Gary, agrees with me here.

Just to share with you a personal experience, we have already started the process of adoption. For those of you who have not done this before, it is not a very fun thing. It takes a lot of heartfelt questions, a lot of discussions with the person you are adopting with, or if you are adopting by yourself, with yourself. It is not sort of a fun sort of holiday experience.

We started this earlier this year. Everything was going fine after filling out the long, long forms, until about three months ago, when we received the dreaded phone call from the social worker which said, this is all fine and dandy, but you both are males and both your names are on the application. You know, I think for some people, that might not be very much of a shock because they knew it was coming. But it really hit home for me, personally, because we decided as a partnership to adopt a child, and I know there are strategies that we can go about doing this. Gary or myself can adopt singly and then co-parent the child, and, hopefully, the bill will pass and we will be able to go for adoption in another route.

What we decided is, right from the beginning, we wanted to adopt together. We wanted both our names on the file. We wanted both our situations to be assessed during the home visits. We did not want to have to do it the other route, and it infuriates me that there are many people in this province, the majority of people in this

province, that would not necessarily receive that phone call about withdrawing one of their names.

Just in conclusion—Gary is going to say something also—I stand, or we stand for everything that Bill 34 is going for, but, on a personal note, we are here because we simply want to be dads. We want to share the loving and support we received and continue to receive from our family and friends.

Mr. Gary Monkman (Private Citizen): My name is Gary Monkman, and I am a recreational therapist who has worked with kids for about 16 years now. I have been a foster parent for two and a half years, and I really would like the opportunity to be a full-blown real parent with someone who I really care about. Thanks.

Mr. Chairperson: Thank you for your presentation. The next presenter is Krista Piche. Please proceed.

Ms. Krista Piche (Private Citizen): Good evening, honourable committee Chair and committee members. I would like to take this opportunity to thank you for hearing my presentation this evening on Bill 34. Tonight, I am mostly here to support the bill's amendments to The Adoption Act. Tonight, I would like to share with you two personal stories that I hope will support the legislation and provide you with some input into the real lives of lesbian parents.

My first story occurred while the last time I was here at the Legislature. The Pride rally had finished and nearly all the people had proceeded on to the parade portion of the celebration. I was walking away from the Legislature with my two children, thinking of all the positive changes this Government was making, when a car pulled up in front of me. A man rolled down his window and looked me up and down, disgust in his eyes, and he shook his head. He appeared as though he was about to say something, or get out of his car, when another motorist turned onto the grounds. The man then pulled forward, and, as he was backing up, I was able to cross the roadway and take my children to safety. I believe that this was a blatant attempt to try to intimidate me and my family for the simple reason that we are a same-sex couple with children.

I believe that the amendments to this current legislation will provide legitimacy for our children and for those that believe that only heterosexual people should have children.

On a more deeply personal note, I would like to start by saying that I am very disappointed that last year's Bill 41 did not include the adoption piece in that legislation. I spoke in front of this committee and implored you, along with numerous other people, to amend the bill to include The Adoption Act. Unfortunately, at the time, the NDP government chose not to do so. I am grateful for the amendments put forth in Bill 34, but unfortunately for my situation, it is a little too late.

* (20:20)

In June of this year, my partner and I of seven years had a breakdown of our relationship. We have two children that we brought into this world together. Had The Adoption Act been amended last year, I, as the non-biological parent, would not be scrambling for ways to ensure that I will have access to my children. My ex-partner would not be having the problems of getting a mortgage. The bank would not recognize our separation as a legal document, and she is worrying about her financial situation. Also, our fears of what could happen if the other partner chooses to not uphold her end of the agreement would be lessened if we had in place legal protections that you are now amending. We are trying to do what is best for our children in areas of access and support. Even though there has been a breakdown in our relationship, our children should have the same legal protections as children of heterosexual parents do.

Like anyone else going through a separation, we have had struggles. Our struggles could have been less complicated had our long-term common-law relationship been legally recognized and both parents' names been put on the birth certificates as we tried to do when our boys were born.

My purpose this evening is once again to implore you to include a clause in The Adoption Act that will extend rights and obligations to me as a parent. The legislation that is under discussion with you today could be retroactive so that people like myself will be recognized. I hope that I can count on you and this

Government to do the right thing for me and my ex-partner and my children.

Before I close, I would just like to add that my ex-partner was scheduled to be here tonight to speak right after me as the next presenter. Unfortunately, our children took ill and she was not able to attend, but she asked me to pass on that she supports this bill as well and that she would really like for some legislation to be put through, too, so that no one else in this situation finds themselves in our situation.

Again, thank you, and I would be pleased to answer any questions of you at this time or in the future.

Mr. Chairperson: Thank you for your presentation. We have just been informed that the next presenter, Dawn-Lee Piche is unable to be here. The next name is No. 8, Kristine Barr. Please proceed.

Ms. Kristine Barr (Private Citizen): Honourable Chair and committee members, thank you for the opportunity to speak to you tonight regarding the Charter Compliance, Bill 34.

Bill 34 is an important piece of legislation. It builds on and supports this provincial government's commitment to equality, human rights and the respect and dignity of all Manitobans. It goes beyond Bill 41, which amended 10 legislative acts last year, to address financial inequities and extends some rights and responsibilities to same-sex couples.

I am very pleased to see that my NDP government listened to and responded to community input and concerns about the gaps that existed in Bill 41, and I am most pleased to see that amongst the 56 acts that the bill will amend, The Adoption Act is featured prominently amongst them.

Through this piece of legislation, the Government is acknowledging the reality that gay and lesbian couples are parents and should be accorded all the rights and responsibilities that accompany parenting. Manitoba laws will now ensure that children who are born into or adopted by same-sex families get the same legal

protection as those children who are born or adopted into families with opposite-sex parents.

You have taken the opportunity to make history in Manitoba. Last year, I was most disappointed that Bill 41 was not as comprehensive as I and a large number of community members had expected it to be. Many other provincial jurisdictions had at this time already introduced legislation to permit same-sex couples to adopt children together, and that list included British Columbia, Saskatchewan and Ontario. I felt that clear precedents had been set and wondered why you were denying full human rights to same-sex couples here in Manitoba. I believe that at the time I asked you the question: Why are you waiting? I am not a very patient person, and I did not understand why you were not acting more quickly and diligently, but I now feel like I have a better understanding.

I was disappointed, I was skeptical, and like many other members of the community, thought that by sending this to a review panel you were using a stall tactic and adding an additional hoop for us to jump through, but I can now appreciate your delay. The review panel took the time to analyze what has been done across Canada, build on the strengths of legislation in other jurisdictions and eliminate the weaknesses of some of those pieces of legislation. I am very pleased with the outcome as it is now clear to me that it was worth the wait to take the time to develop a very comprehensive bill like Bill 34.

In addition to adoption rights, this bill will ensure that common-law couples will be eligible for tax benefits, have the right to make health care decisions for an incapacitated partner and be recognized as a parent on their children's birth certificates.

As a local school trustee, I am happy to see that my obligations regarding conflicts of interest have been clarified. It is only fair, just and in the public good that I should have to disclose any conflicts publicly just like any other elected official in an opposite-sex relationship must. All gay and lesbian elected officials that I know currently do this in practice, but it is important to have this obligation spelled out in places like The Public Schools Act.

I have taken the time to analyze the content of Bill 34 and discussed it with many activists, parents, community members and lawyers across Canada who have much more legal expertise than I do, and I can honestly say that, upon the passage of this bill in partnership with Bill 53, the one that addresses property concerns, I believe that Manitoba will have the most progressive and comprehensive legislation to support same-sex couples in Canada.

What this means is that a same-sex couple living in Manitoba will have better rights here than they would anywhere else in Canada. This means that Manitoba will be recognized as a leader in human rights, as a safe place to be, a safe place to raise families and a safe place to live your life openly and honestly.

Thank you for introducing this bill and working to extend full equality and human rights to same-sex couples in Manitoba. It is long overdue, but thank you also for taking the time to do it right once and for all. Your actions will help to provide fairness, end discrimination and educate the community at large. I thank you for the opportunity to speak tonight and would be happy to answer any questions that the committee may have in regard to my presentation.

Mr. Chairperson: Thank you for your presentation. The next presenters are Nadine Gilroy and Lorrie Millan. Are Nadine Gilroy and Lorrie Millan here? If not, their names are dropped to the bottom of the list. The next presenter is Janet Baldwin of the Manitoba Human Rights Commission.

Ms. Janet Baldwin (Chairperson, Manitoba Human Rights Commission): Good evening. The Manitoba Human Rights Commission is represented tonight by my colleague, Commissioner Elliot Leven, by our executive director Dianna Scarth, who is in the audience, by our research and policy analyst Debra Beauchamp, who is also in the audience, and by myself as chairperson of the Human Rights Commission.

The Human Rights Commission is here tonight to express our support for Bill 34 as the second piece in the Government's Charter compliance legislation. Now, the Human Rights Commission has no direct jurisdiction over some

of the matters in Bill 34, but part of our mandate under the code is to promote as well as protect human rights. As you know, the human rights code prohibits discrimination on the basis of a number of characteristics, including sex, gender-determining characteristics, sexual orientation and marital or family status. We are also, as a Human Rights Commission, mindful of our international obligations.

More than 50 years ago, in 1948, the members of the United Nations met following a horrific world war characterized by unspeakable acts of inhumanity visited on people for no reason other than group characteristics such as race, religion or homosexuality.

* (20:30)

In an effort to prevent a repetition of these horrors, the UN adopted its Universal Declaration of Human Rights, which affirmed every person's right to equality and dignity. This universal declaration is referred to expressly in our code.

Our code also refers to the Canadian Charter of Rights and Freedoms, and we must consider, in looking at amendments to our legislation, the directions of the Supreme Court of Canada in charter cases. I will just quote one short passage from the leading case of *M. v. H.* in regard to sexual orientation.

The exclusion of same-sex partners from the legislation in question in that case promotes the view that individuals in same-sex relationships generally are less worthy of recognition and protection. It implies that they are judged to be incapable of forming intimate relationships of economic interdependence, as compared to opposite-sex couples, without regard to their actual circumstances. Such exclusion perpetuates the disadvantages suffered by individuals in same-sex relationships and contributes to the erasure of their existence.

We have come a long way on the road to equality, but gays and lesbians and also bisexual and transgender persons have had to wait longer than most for appropriate recognition.

It is only 18 years ago that Manitoba became one of the first Canadian jurisdictions proudly to

add sexual orientation to the Manitoba Human Rights Code as a protected characteristic. It was another several years before the Manitoba case of Vogel extended certain spousal employment benefits to common-law partners. It was even longer before this appreciation of the conjugal relationships into which same-sex couples enter received due recognition in the case of *M. v. H.*, which I have just quoted.

This Government has now moved to redress the shortcomings with last year's legislation to implement *M. v. H.*, Bill 41, now Bill 34, which we are discussing today, and Bill 53, tabled last week, in regard to property issues.

I am now going to ask my colleague, Elliot Leven, to talk about some of the specific proposals in Bill 34.

Mr. Chairperson: Is there leave of the committee for Mr. Levin to speak? [*Agreed*]

Mr. Elliot Leven (Manitoba Human Rights Commission): Thank you, Chairperson Baldwin. Thank you, members of the committee. My name is Elliot Leven, and I am a Manitoba Human Rights Commissioner. By way of background, I am a lawyer in private practice here in the city of Winnipeg. I am also a proud member of the Winnipeg gay community and the Winnipeg Jewish community.

The commission supports the bill, as currently drafted. The bill is consistent with general human rights principles and with the Canadian Charter of Rights and Freedoms.

In recent years, using the Charter, Canadian courts have begun to consistently strike down laws which discriminate on the basis of sexual orientation, including adoption laws, which prohibited same-sex couples from adopting as a couple. There is every likelihood that, if this bill were not enacted, courts would eventually begin to strike down Manitoba laws, as well.

Let me take this opportunity to say a few brief words about adoption. Various individuals and groups have commented upon this matter. Not all of these parties seem to realize that, under current laws, single gays and lesbians in Manitoba can and do already adopt. Furthermore, individual gays and lesbians living in

committed lifelong relationships can already adopt as individuals. However, gay and lesbian couples cannot adopt as a couple.

This is, frankly, a bizarre situation, and, more importantly, it is almost certainly inconsistent with the Charter. The bill before us today would remedy the problem.

Some individuals and groups may not realize that in any adoption in the province of Manitoba, whether by a legally married husband and wife or otherwise, the courts must always place the best interests of the individual child above all other considerations. This will not change. No adoption, whether by a same-sex couple or any other couple or any single person, will be approved until a court determines that the adoption would be in the best interests of the individual child.

This bill deals with both rights and responsibilities. This is as it should be. Eliminating discrimination in relation to both rights and responsibilities is consistent with general human rights principles. As others may have pointed out, this bill is not about same-sex marriage. Only the federal government has jurisdiction to facilitate same-sex marriage in Canada. What this bill does is to eliminate discrimination on the basis of sexual orientation in areas of provincial jurisdiction.

Again, the Manitoba Human Rights Commission supports this bill. The battle to eliminate various forms of discrimination is an ongoing process. This is an important step in that process. Subject to any questions from the committee, those are my comments.

Ms. Baldwin: If I may just be allowed to add a couple of further comments, one very specific comment in relation to Bill 34, we do support the removal of the outdated anti-discrimination provisions in various specific statutes with the consequential recognition that the Human Rights Code and process is the appropriate vehicle, generally, to address discrimination issues.

Now I know we are not talking about Bill 53 tonight—it was, indeed, only tabled last week—extending family property laws to common-law partners, which is the third piece of the legislation in the Government's attempt to achieve equality for common-law couples. But

in regard to Bill 34, I would assume, we would assume as a commission that Bill 34 applies as Bill 53 explicitly does, to common-law relationships which are existing at the time the legislation comes into force. That is clear in Bill 53 but not quite so clear in Bill 34.

Now, as my colleague has indicated, of course, Bill 34 has nothing to do with the definition of marriage and indeed marriage is not primarily within provincial jurisdiction. But the Manitoba Human Rights Commission has taken a position supporting the right of same-sex couples to choose to marry, and in that regard we welcome the recent Ontario decision declaring Canada's current definition of marriage to be unconstitutional in excluding same-sex couples. We would encourage this Government to urge the federal government to legislate as soon as possible to change the definition of marriage and then implement that in provincial legislation as the fourth piece in its legislation to eliminate discrimination on the basis of sexual orientation.

Thank you, and we will be happy to answer questions.

Mr. Chairperson: Thank you for your presentation. The next presenter is Tim Preston.

Mr. Tim Preston (Private Citizen): Good evening. I do not have a formal presentation. Thank you, once again, for the privilege of speaking to you.

My name is Tim Preston. I am a lawyer. I have been a lawyer for 21 years. I have represented, as have my colleagues and associates, many gay and lesbian clients who have struggled, and I have witnessed their struggles for equality because equality sometimes is a struggle. However, tonight I feel that there is cause for celebration. I wish to express my gratitude to this Government. I spoke to the committee last year, to encourage the Government to include same-sex common-law relationships in legislation. I now wish to congratulate this Government for so doing, for introducing Bill 34.

By allowing common-law partners to adopt together, by amending Manitoba statutes to

include sexual orientation as a prohibited ground of discrimination, and by allowing common-law partners to make, for instance, health care decisions for each other, this Government is recognizing that our families are part of the fabric of this community. You are supporting, making a richer, more diverse and supportive environment for the future, and I thank you all for that. That is all I have to say tonight.

* (20:40)

Mr. Chairperson: Thank you for your presentation. The next presenter is Donna Huen of the Rainbow Resource Centre. Please proceed.

Ms. Donna Huen (Rainbow Resource Centre): Mr. Chairperson, I would, first and foremost, like to thank you all for hearing my presentation this evening. I am representing the Rainbow Resource Centre, serving Manitoba's gay/lesbian/bisexual/transgendered and two-spirited communities. We have been operating for the past 31 years, providing information, referrals and peer support to the gay/lesbian/bisexual/transgendered and two-spirited communities, and their families and friends. In addition, we provide anti-homophobia training to professionals and pre-professionals in the social service, health care, and education fields, so that when members of our communities interface with these systems, they are treated with dignity, respect and equality.

I am speaking to the bill introduced by the Manitoba government, Bill 34, The Charter Compliance Act. That this bill recognizes same-sex couples' need to jointly adopt children in order to provide the best possible care for their children is truly encouraging. We are also encouraged by measures proposed to ensure that Manitoba's laws are consistent with federal laws, particularly income tax laws, the clarification of conflict of interest guidelines for common-law couples and that common-law partners will have the right to make health care decisions for an incapacitated partner. These are long standing issues that will finally be rectified with the passage of Bill 34.

Other statutes being amended by this bill, such as The Anatomy Act and The Change of

Name Act, will also have significant, positive ramifications for our communities. These amendments and those proposed by Bill 53 will recognize and protect the status of gay and lesbian relationships to as near to full equality under the law as is possible without legal marriage.

We encourage this Government to now take the remaining steps needed to ensure our full equality under the law. First and foremost, pass and enact Bills 34 and 53. Secondly, clarify the Government's intent in the relevant statutes for a transgendered parent in the final stages of transition from one sex to the other. Presently such parents face the imminent dissolution of their legal marriage, and consequently, the potential loss of their legal relationship to their adopted or birth children. How will the continuity of their parental rights be ensured as one of the transitions to the other sex?

Thirdly, we strongly urge this Government to strongly urge the federal government to change the legal definition of marriage to include same-sex couples. Under the Charter of Rights and Freedoms, people whose sexual orientation is other than heterosexual have full equality. This Government has done the correct thing with the introduction of Bill 34. Anti-discrimination provisions are always a positive move in the right direction.

Congratulations on your efforts to ensure full equality, under the law, to gay and lesbian families and their children. Thank you very much.

Mr. Chairperson: Thank you for your presentation. The next presenter is Lloyd Fisher.

Mr. Lloyd Fisher (Private Citizen): Mr. Chairman, members of the committee, as one of two same-sex partners who have been in a committed relationship for over 40 years, I would like to express our thanks to this Government for making notable progress toward the establishment of equal rights for all Manitobans through Bill 34. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenters are Stacy Garrioch and Sharon Hunter. Stacy Garrioch and Sharon Hunter. Please proceed.

Ms. Sharon Hunter (Private Citizen): Thank you. My name is Sharon Hunter, and this is my life partner, Stacy Garrioch. Firstly, I applaud you for your patience tonight. It has reaffirmed my commitment to never ever go into politics—ever.

I want to start tonight by telling you about some really amazing kids. These kids are beautiful; they are intelligent; they are extremely gifted. They might be the most amazing kids in the world. In fact, they probably are, I am sure of it. All of these children were in foster care, and they were in foster care because of horrendous abuse in their biological families, biological families that were headed by heterosexual couples. Each of these kids in their own way is trying to overcome the pain from their past. They were placed in foster care, and then subsequently adopted by their foster parents, a happy ending from an unhappy beginning. Unfortunately, though, at that time they became the unwitting victims of discrimination and homophobia from the Manitoba government on top of all of the other pain in their lives.

My partner and I were the foster parents and are now the adoptive parents of these amazing children. We were approved as foster parents in 1993 by Winnipeg Child and Family Services. We were later approved by the agency to adopt all of our children. In fact, we were approached by the Child and Family worker and asked if we would adopt because they thought that the children would do best under our care. Everything was going along beautifully, but the process was stopped when it came to the final approval forms from the government of Manitoba because, even though Child and Family Services recognized us as a couple, as parents and as the best family for these children, the government did not, simply because we were both women.

So these beautiful children, who were, on the one hand, given the gift of stability and love and a family, with the other hand had their basic rights taken away simply because their parents were not heterosexual. The fact that this blatant discrimination continued on for as long as it did in this province is deplorable. I continue to be saddened and angered by the realization that it took a lawsuit to convince the Government to act in a just and fair way towards its lesbian and gay

constituents. Even the name of the bill attested this, the Charter compliance bill. Why did the Government have to be forced to comply to give us basic human rights for us and our children?

Lesbians and gays are not second-class citizens. We are not evil. We are not immoral. We do not deserve to be discriminated against. We are people who deserve to be protected under provincial legislation. Mr. Chairperson, we are your daughters, your sons, your sisters and your brothers. We are your neighbours, your friends, your co-workers. Our children are the children of this province just like any other Manitoba children, and they deserve the same rights, privileges and protection because remember they are the most amazing children in the world.

To those homophobic individuals who deny our children their rights by opposing this bill because they do not believe lesbians and gays should be parents, I say to you, where were you when Child and Family Services was looking for a home for them and what gives you the right to judge others? Our family and our friends support the changes being made to The Adoption Act, to The Vital Statistics Act, to the upcoming property laws and to the statutes affecting health care and the end-of-life issues. We thank you for following through on this legislation because it provides our family with protection. Our children will now legally be able to claim the two parents who have been there for years, parenting and loving them. We sincerely appreciate these changes and are happy to have the Government affirm what we have known for the past nine years. We are a family.

A final note is that today is Stacy's birthday, and I cannot think of a better gift than finally giving her the legal status as mom. She has wiped more noses, held more pails under puking kids, been to more school functions, you know, as much as any other parent in this room. So thank you for the gift and thank you for your time tonight, and we need to leave you because we have kids to get to bed. Thank you.

Mr. Chairperson: Happy birthday, Stacy, and thank you for your presentation.

The next presenter is Asher Webb. Is Asher Webb here? That name will go to the bottom of the list. The next name is Edward Lipsett.

Mr. Edward Lipsett (Private Citizen): Mr. Chairperson, honourable members, I regret I do not have a formal, written presentation. As is my unfortunate habit, I have spent so much time reviewing some of the cases and doing some additional historical research, that I was called to committee before I had to put anything in formal writing, but I do have an oral presentation which I can proceed with.

* (20:50)

Yes, I am Edward Lipsett. I am a private citizen and an independent legal researcher and writer. Unlike most of the people who have spoken here, I do not plan to speak on the main issues of adoption. I have no expertise whatsoever in family law, sociology or psychology, so I do not feel I would have any helpful comments in that regard. At any rate, I do not have any really strong views one way or the other. I am relatively neutral on that point.

But, as with many bills and with much legislation, often the problematic areas can come in the more obscure provisions, especially in an omnibus bill. I will speak to just one tonight. That is section 17 which purports to amend The Defamation Act.

I respectfully suggest that section 17 which would amend The Defamation Act should not be enacted. Section 19(1) of The Defamation Act as currently worded might pose constitutional problems both from a Charter of Rights-freedom of expression perspective and a division of powers perspective.

Furthermore, as a matter of policy, its wisdom and desirability is highly questionable. Expanding that provision as envisaged by the proposed amendment is particularly troubling for at least two reasons. It could be seen as an attempt to stifle one side of a debate on a controversial subject. Furthermore, it is especially inappropriate to expand restrictions on expression in an omnibus bill dealing primarily, though not exclusively, with family-related matters. An omnibus bill might have the effect of insulating less high-profile provisions from legislative and public scrutiny they would otherwise receive. This is always problematic but especially so if the more obscure provision itself involves major

constitutional and social dilemmas. I may add one point further. It would be especially ironic if that were done to pass an amendment which rather than increase Charter compliance, might exacerbate an already existent Charter infringement.

It is true that section 19(1) of The Defamation Act is potentially less intrusive to freedom of expression than other Canadian hate-related provisions that exist at the federal level and in some provinces. The sole remedy of injunction is less severe than remedies such as imprisonment, fine or damages which are found in some of those other laws. Furthermore, the reference in section 19 subsection (1) of the Defamation Act, to quote: "tending to raise unrest or disorder among the people," could lead to judicial interpretation that this provision would only apply when the impugned communication creates imminent danger of violence and is not intended to prohibit unacceptable ideas at all. However, such a benign interpretation is by no means certain, and this section is also open to substantially wider interpretation.

I acknowledge that freedom of expression is not absolute. The Supreme Court of Canada has already upheld several restrictions on hate speech. However, it has not ruled on some of the more far-reaching hate provisions in other provinces, nor has it ruled on section 19(1) of The Defamation Act. I respectfully acknowledge that I am not a supporter of these hate provisions, and I am more in agreement with the American constitutional jurisprudence in this area than with the majority reasoning of the Supreme Court of Canada.

If we need hate speech laws, I believe that they should be more focussed to deal with the method, circumstances and likely consequence of some expression, rather than targeting disagreeable ideas per se. However, I have dealt with that at greater length in another forum in a submission I sent a couple of years ago to the commission looking at the Canadian Human Rights Act, so I will not elaborate on that now. I will just get back to the one at hand.

However, even if existing provisions are appropriate, I respectfully suggest that expanding section 19(1) of The Defamation Act, as

envisaged in this bill, is not appropriate. For one thing, section 19(1) is a somewhat outdated provision originally enacted in 1934 with the social conditions of its day. The terminology reflects an era when sedition laws were considered necessary to prevent the people from being agitated into criminal or anti-social behaviour.

Indeed, largely for these reasons, the constitutionality of this section from a division of powers perspective has been questioned, including the one reported case dealing with this, *Courchene v. Marlborough Hotel* back in 1972, when Mr. Justice Tritschler, in *obiter dicta*, thought it was unconstitutional because there were federal criminal code provisions dealing with hate propaganda, and that is a federal matter—anyway, but that was just *obiter*. Anyway, and furthermore, some of the literature dealing with the subject has suggested the division of powers problem also.

More importantly, oh yes, indeed, largely for these reasons, the constitutionality of section, from a division of powers perspective, has been questioned. The criminal law power is federal, not provincial, and matters pertaining to sedition, public disorder and control of ideas seem to be within the criminal law power. More importantly, enacting this amendment, especially at this time, might be perceived as an attempt to insulate the main provisions of this bill, related reforms and the values motivating such reforms from challenge. This would violate the concept of viewpoint neutrality to a substantially greater degree than any existent legislation in Canada, and, especially, considerably greater than section 19.

Furthermore, the conflicting social, moral, religious and scientific opinions concerning the issue of sexual orientation renders the subject matter especially inappropriate for defamation legislation. I recall the words of Madam Justice, now Chief Justice McLaughlin, delivering the majority decision *R. v. Udall*, which struck down the false news provision of the Criminal Code, where she clearly distinguished between pure factual matters patent to the senses, as she put it, which are suitable for defamation matters and matters of broad historical and social matters. Certainly, homosexuality and sexual orientation

raises questions involving religion, psychology, sociology, medicine, as well as the opinion of everyday citizens. That would make it especially inappropriate for the concept of defamation.

In addition to raising freedom of expression concerns, expanding section 19(1) of The Defamation Act could adversely affect freedom of conscience and religion protected by section 2(a) of the charter. Much opposition to homosexuality has been based on bona fide religious belief. I may add as an aside, not all religious people, and not all people who believe in the Bible, endorse the views that are expressed tonight, but that is beside the point. There is bona fide division in the religious community.

The Supreme Court of Canada recently emphasized the importance of protecting religious beliefs in the case of *Trinity Western University v. British Columbia College of Teachers*. Speech was not directly involved there. In that case, the college of teachers refused to grant recognition to the education program of Trinity Western University because of its religious stance against, among other things, homosexual practices, along with several other biblically prohibited activities. The College of Teachers thought graduates from that faculty would be biased against gay students in the public schools that might be unfit to teach. The Supreme Court of Canada made it perfectly clear there is a distinction between belief and conduct and absent evidence that people from that university would engage in discriminatory practices. There was no justification for denying the university accreditation because of their religious belief. It made it quite clear that it not only involved the freedom-of-religion issue but as section 15 issue as well. After all, there is equality of religious belief as well.

* (21:00)

We have to remember another thing: that with the existing law as it now is, gays and lesbians as well as all other groups protected by the Human Rights Code are not totally left without protection from forms of expressive abuse. Manitoba wisely avoided having widespread hate provisions that are in some of the other provinces and that were in the old Human Rights Act, when they adopted this new Human

Rights Code. They did provide section 18 which prohibits discriminatory signs and signs that advocate, incite or counsel discrimination.

Also, section 19 includes abusive and unwelcome conduct or comment under certain circumstances. That is not designed to prevent repulsive ideas as such, it is designed to prevent personal abuse. Besides that, section 13 of the Canadian Human Rights Act which prohibits repeated telephonic hate messages, includes sexual orientation and has been expanded to include the Internet. That expansion may or may not survive a constitutional challenge, but that is beside the point.

At any rate, section 18 of the Human Rights Code and the Human Rights Code generally does provide protection to sexual orientation, so I do not think you would have to worry about under-inclusiveness in leaving sexual orientation out of section 19 of The Defamation Act. I am sure some people are worried from a Vriend approach, under-inclusiveness, but I do not think that should be an issue here.

Another reason why expanding section 19 of The Defamation Act as proposed would be unwise is that basically two groups can play the same game. If suits against members of the so-called religious right whose writings were perceived to violate this revision were to occur, this might motivate members of the religious creeds whose beliefs have been criticized as bigoted, to bring an action against some of the gay or equality-seeking groups themselves. Then we would have the rather unfortunate situation of people being brought into court for basically expressing their honest views on a very, very divisive, social issue. It could be in all cases the law.

This provision would not be held to apply to such speech. After all, there are fair comment concepts within definition itself that might not be considered dangerous enough. So in the end it might not be so problematic, but in the meantime it would deter many people from speaking out and would create a climate of litigation to silence which again, I think, is contrary to the best interests, not only as society in general and not only of the members of the so-called religious right, but it could harm the very quality-

seeking groups one seeks very legitimately to protect.

Again, I do not think it is a good idea in the name of protecting one right to infringe on another, so I would respectfully urge that you not proceed with section 6(17). Thank you.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Rory Grewar.

Mr. Rory Grewar (Private Citizen): Good evening. I would like to begin by thanking the committee for this opportunity to address you and to assure you that I will brief. I have a fairly simple message that I would like to deliver, a thought. I appeared before a similar committee about a year ago, and at that time I was angry. I was angry because I felt my interpretation of the legislation that was being introduced was not offering me the rights, the privileges and the freedoms that other Canadians were enjoying. That angered me. I was more disappointed, though, because I had looked to this Government, particularly the New Democratic Party, to be more progressive, to show more leadership, and I did not feel that that was happening.

A year has passed and much has happened and, like a previous speaker, I perhaps have come to see the wisdom of the delay in preparing the more comprehensive legislation and granting the more complete set of rights and privileges. So I am here today to offer congratulations and encouragement both to the Government and also to the opposition parties that I understand are, for the most part, planning on supporting this legislation.

I think it is significant in that I believe it is a very good reading of the views, the opinions and the feelings of Manitobans generally. I believe the Government has sensed and read accurately that most Manitobans, like most Canadians, want their society to be one in which equality is supreme and where equal rights are extended to all and where minority rights are protected. Now, I do not know if you do polling on these things, but perhaps your numbers indicate that. What they may indicate is perhaps a leaning to the majority, but I think the Government's steps

in this direction will be showing the leadership to encourage other Manitobans who are not quite so certain, who are not quite so sure that this is the right thing to do, that this legislation's time has come. I believe that Manitobans want a diverse society, they want an inclusive society and they want one where all are protected by the same set of rights.

At the last committee session where I spoke, I talked a little bit about messages, and messages that are sent particularly to young people. I think you cannot underestimate the importance of sending the right message. Manitoba does not want to and cannot afford to lose young people. I believe young people, younger than myself, look for a society and a culture and a community to live in that is just the things that I have said this legislation may encourage: inclusiveness and diversity, acceptance, tolerance. I think this legislation sends a very positive message to young Manitobans, certainly to young gay Manitobans, who might be evaluating where they want to live, where they want to work, where they want to find relationships, and, yes, where they want to raise families.

If one thinks only for a moment about the many, many hundreds of gay and lesbian people that over the past 20 or 30 years chose to move to Toronto and Vancouver, not because the laws in those places were actually granting of more support or more rights necessarily, but because their perception was they would find communities where they were accepted, where they were safe and where they had security. Manitoba is sending a very clear message that we are not just tolerant; we are accepting, we are interested in diversity, and we want to promote diverse communities that are inclusive.

So I think this legislation goes a long way to do that, and for that I offer my congratulations and my commendation. I would hope that when the Government and the Legislature takes this legislation forward, they do so with pride, with enthusiasm and with confidence. It is the right thing to do. I believe that was known a year ago, it is known today, and this will form an important part of your legacy. If I may say respectfully, long after we have forgotten about debating mosquito fogging, chiropractors or frozen food, we will remember legislation that

granted equality to Manitobans. I thank you and I commend you. Good night.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Mike Law, representing the Manitoba Bar Association, Gay and Lesbian Issues Section.

Mr. Mike Law (Manitoba Bar Association, Gay and Lesbian Issues Section): Good evening, Mr. Minister, members of the committee. I have a resolution that was passed by the Manitoba Bar Association Council on June 14 of this year.

I represent the Gay and Lesbian Section of the Manitoba Bar Association, and I was here last year, like the last speaker, on what I think was called Bill 41 at the time. My presentation last year, which was also a resolution of the Bar Association that was very critical of the Government at the time, was critical of what the Bar Association saw was an inadequate response to the Supreme Court of Canada's decision in *M. v. H.* That bill left open gaping holes in the law which needed to be filled. My presentation today is very brief.

* (21:10)

The Manitoba Bar Association sees this legislation today, the proposed Bill 34, as a big part of the appropriate and complete response to the Charter concerns raised by the Supreme Court of Canada and to the Bar Association's concerns we raised last year when speaking to the previous bill.

The resolution that is before you, I will just read it. It was passed, as I indicated, a little over a month ago, and it reads, for the record, that the Manitoba Bar Association applauds the Government of Manitoba for the introduction of Bill 34 and urges its speedy passage. The bill recognizes and promotes equality through proactive legislation, rather than forcing individuals to achieve those rights through litigation.

That concludes my submission. Thank you very much.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Brad Tyler-West. Is Brad Tyler-West here? His name is dropped to the bottom of the list. Mr. Jordan Cantwell, Jordan Cantwell. I am sorry if I got the gender wrong.

Floor comment: It happens.

Mr. Chairperson: My apologies.

Ms. Jordan Cantwell (Private Citizen): Honourable Chair and committee members, I am Jordan Cantwell. I am a minister at Augustine United Church, and I really just want to make two points, both in celebration and support for Bill 34.

The two points are that I just want to state clearly and make a very clear point that not all persons of religious convictions feel those convictions lead them to oppose equality for gay and lesbian people or to speak out against this bill, that in fact many, many people of faith, of all different faiths, feel very strongly and are very convicted that this bill and Bill 53, which we look forward to, are absolutely essential and in fact mandated by our faith, by our understanding of our own religion. We are mandated to speak out in support of this legislation. So I just wanted to be a religious voice in favour of this bill.

The second point I wanted to make is that very often I hear support for gay and lesbian couples, or for adoption for gay and lesbian families, is somehow going to undermine families or destroy families as we know them. I believe this legislation does quite the opposite, that in no way does it harm families that currently exist or that will exist in the future that would fit what we call the traditional model. All it does is provide support for other families out there to come which are simply looking to be families in the very same way, to provide support for one another, to raise their children, to be accountable and responsible to their children and to one another, to be there when somebody is sick in the hospital, to have the right to support their same-sex partner.

This bill and Bill 53 are both very pro-family bills, and I commend you and I thank you.

Mr. Chairperson: Thank you, Ms. Cantwell.

The next presenter is John Millward, John Millward. That name is dropped to the bottom of the list. Next is Thomas Novak. I saw him earlier. There he is. Please proceed.

Mr. Thomas Novak (Dignity Winnipeg): Honourable Chair and committee members, I am, as you probably know, a Roman Catholic Brother. I am representing today Dignity Winnipeg. Dignity Canada is a national organization of lesbian, gay, bisexual, transgendered, and two-spirited Roman Catholics and their friends. We have chapters across Canada, including Winnipeg, and sister organizations around the world. We believe that lesbian, gay, bisexual, and transgendered people can express their sexuality in a manner that is consonant with the teachings of Jesus Christ and that all sexuality should be exercised in an ethically responsible and unselfish way.

While we are not a mission of the official Catholic Church, rather we seek to be in dialogue with the official church and all people of good will on questions of faith, sexuality and social justice. Dignity has been active in Winnipeg for 30 years, and several of our members have been in conjugal relationships for over 25 years.

We would like to congratulate this Government on bringing forward Bill 34 along with Bill 53, which we understand will be debated shortly. The passage of these two pieces of legislation, we believe, will go a long way towards allowing people from the LGB community to experience full equality with other Manitobans. We are happy to note that in bringing forward this legislation, the minister is continuing the forward-looking work of the Pawley government, which less than 20 years ago we remember was one of the first governments in the world to enshrine in law the principle of non-discrimination based on sexual orientation.

Many of the individuals in political parties and institutions which found themselves unable to support the legislation of 20 years ago have since found themselves advocating for the very rights which they once so strenuously opposed.

We congratulate them too for their willingness in the light of their experience and reflection to re-evaluate and even revolutionize their positions. This quite miraculous evolution, which has occurred over a relatively short period of time, is a powerful source of hope for us as we continue the dialogue in our churches and faith communities. So maybe instead of congratulations, I can offer absolution.

I will skip the next two paragraphs talking about natural law. As people of faith enter into dialogue with men and women who struggle through real relationships, one of the things we come to understand is that men and women are not just sexual machines. How unfair and how realistic it is to reduce the mystery of human relationship and love to a biological act.

Lesbian, gay, bisexual and transgendered individuals, like other human beings, yearn to love and be loved. They aspire to enter into deep and long-lasting relationships where every word, touch and gesture has the power to say to the other that you are more valuable to me than the whole of the rest of the universe and where every word, touch or gesture has the potential to transmit the love that a loving Creator has for each one of us. LGBT people long to share the love that God has blessed them with and the love that they have for each other through the parenting of children.

In the building up and maintaining of these loving relationships, what each other partner does with each other's private parts at the end of the day is only one of a myriad of other dimensions of their life together. Like any other family, same-sex couples must also look after their economic needs, medical concerns, family problems, and the relationship as committed friends. Recognizing that LGBT people are more than the sum of their sexual organs, these are the very issues which Bill 34 and Bill 53 endeavour to address.

Human beings, then, are not just biological creatures, we are relational beings, souls that ache to merge with other souls. The yearning to live as a couple or as parents in a committed and enduring relationship seems to be as fundamental to human existence as any other social need. In our long history of walking with LGBT

people from a wide spectrum of the human family, we have seen the consequences of the denial of this essential need for relationship. We have experienced the profound suffering of men and women who, because of guilt, fear or bad luck, have been able to enter into an intimate relationship with another human being. Many of these people suffer profound loneliness. Sometimes the pain is so intense that it decays into addiction or even mental illness, often constituting a great loss of talent to the community and the creation of serious medical problems for the wider community.

* (21:20)

Mr. Vice-Chairperson in the Chair

On the other hand, we have seen people who have come to accept themselves as they are and to open themselves up to the possibility of human intimacy. They seem to undergo then miraculous recoveries, becoming once again functioning human beings, ready and happy to take their part in the human family. So this legislation we are looking at today constitutes a welcome liberation for the LGBT community whose right to experience the intimacy and stability of a profound one-to-one relationship will now be officially recognized, officially and formally by our provincial community, as well as their right to be legally recognized parents.

This is also a victory for the children of same-sex parents and for the families of those who have children, brothers and sisters who live in same-sex relationships. At the same time we believe the passage of this legislation will benefit Manitoba society as a whole. In the short term, we foresee several positive consequences. For example, same-sex parents have, as has been noted tonight, been raising children for years. Now the LGBT community and the wider society can work together to study the positives and the negatives of such arrangements and to see what extra supports, if any, such families might need.

Same-sex partners of critically ill hospital patients will now have some assurance that access to their life partners will be no less than that of opposite sex partners. Their bedside presence and care will now be officially recognized as a legitimate and welcome addition to the paid hospital care.

Finally, since a crucial indicator of the health of any community is the degree of participation of all its members, the proposed legislation, we believe, will serve to strengthen Manitoba as a civil society. The public consultation that preceded this legislation was an important part of this maturing process where government and the LGBT community work together to craft legislation that would respond to the aspirations of the LGBT community and to the needs of the province as a whole.

Now with the expected passage of Bills 34 and 53, members of the LGBT community will finally have the capacity to participate fully, freely and openly in Manitoba society with equal rights and, just as importantly, with equal responsibilities. Finally, as this legislation promotes honesty, transparency, commitment, fidelity, justice and sharing, this legislation will help to strengthen the moral and ethical foundations upon which any healthy society is built.

We are proud that our Government in Manitoba is once again taking steps to put our province in the forefront of the evolution of human rights here in Canada and around the world. We are sure if Louis Riel's spirit is sitting with us here today, he must be smiling and proud. Thank you.

Mr. Vice-Chairperson: Thank you very much.

Michelle Paquette. You can begin whenever you are ready.

Ms. Michelle Paquette (Winnipeg Transgender Group): Ladies and gentlemen, members of the committee, I am Michelle Paquette, and I am speaking as a representative of the Winnipeg Transgender Group. Transgendered people identify themselves as being different from the gender that was assigned to them at birth. As a representative of this group, I thank you for the positive and much-needed changes represented in Bill 34.

From what I read and understood, transgendered individuals are included equally and fully in Bill 34's intentions because the changes are applied regardless of gender, and I thank you again for this.

There are, however, two instances of specific concern to the transgender community and our families, which are not clearly included in the proposed act. First, it is not made clear in any part of the proposed legislation change how a transgendered person is to be fairly accommodated during what is known as transitioning. Some transgendered people are transsexual. This means that they are, in their deepest feelings and identification, of the sex and gender opposite to their birth sex.

To deal with these feelings, many transsexuals undergo a complete change of physical sex and apparent gender, what is commonly known as a sex change. This sex change is not simple or fast. It is, instead, a process of years of supportive counselling, hormone therapy, surgical change, electrolysis, voice and appearance coaching, and a gradual social and legal change of being identified as one sex instead of another.

This years-long process is called transitioning. Each transsexual's transition experience will be unique in its pace, the particular choices they make and the degree to which it is visible to a casual onlooker.

A transsexual or other transgendered person might be required to continually re-establish their legal relationship to their family at each stage of transition. A partner or parent may have to prove to hospital staff that they are indeed related to an ill family member merely because their ID does not have the correct sex, M or F, to match previous records or current appearances. One member of our group must carry a continuously changing dossier of more than a dozen letters and IDs that is necessary to ensure her ability to parent adopted children in different situations.

I do not think that it was ever the intention of Bill 34 to leave the onus on individuals or couples in transgendered relationships to clarify these regulations as they apply to their personal situations. Can a process be created, perhaps a non-gender-specific identification, which would allow continuous access to the rights, privileges and responsibilities Bill 34 proposes for common-law couples.

I realize this is a complicated problem and not entirely within the specifics of Bill 34, but transitioning is a process that many Manitobans are experiencing right now and many more will in the future.

A second and very important issue which must be addressed under Bill 34 is the problem transgendered parents face in the final stages of transition. Many transgendered people are married and have foster, adopted or birth children. Two such couples regularly attend our group meetings, one with birth children, one with adopted.

A legal same-sex marriage is not now possible, and so the marriage between two opposite-sex parents will be ended one way or another when one partner has sex-reassignment surgery and legal change of sex.

It is essential that the continuity of a transgendered couple's parental relationships be clearly addressed in the proposed regulations.

To say that such a couple's common-law status, such as their parental situation, would automatically be recognized under Bill 34 is not sufficient. There are very important questions that transgendered parents must answer and which are not made clear in Bill 34.

Are all presumed parental rights and legal and financial relationships automatically mirrored in the new common-law relationship? How will the marriage change? Will non-governmental health, insurance, educational and financial institutions with which the married family dealt be automatically required to transfer their documentation, financial, contract and legal relationships to the new same-sex common-law family?

Will such institutions be allowed to discriminate? What if the marriage was only a month old when the sex-reassignment surgery was performed and legal sex-reassignment documents issued? Would common-law status automatically apply?

Would children born after sex change by one partner have birth-status relationship to the now both same-sex parents? Would all birth

children of transgendered-partner couples be considered adopted, if not by one, then by both parents?

Mr. Chairperson in the Chair

Would there be an interval or legal process between dissolution of marriage and re-establishment of common-law parental and familial status? What would be involved? How long an interview? Could before-legal-change accommodations be made? Would pre-existing adoptive or foster-parental relationships with all concerned agencies be automatically recognized and continued. These are critically important issues for transgendered people and their families. Your attention to them and the amendment of Bill 34 to reflect the specific needs and rights of transgendered couples and parents would make it both better and more inclusive legislation.

Thank you for this opportunity. Any questions?

* (21:30)

Mr. Chairperson: Thank you for your presentation.

The next presenter is Grant Fleming. Grant Fleming. That name has dropped to the bottom of the list.

Next are Sharon Pchajek and Maureen Pendergast.

Ms. Sharon Pchajek (Private Citizen): Maureen Pendergast is not here to speak today. She is talking to some Wolseley residents about mosquitoes tonight.

An Honourable Member: Then she is running for council.

Mr. Chairperson: Please proceed.

Ms. Pchajek: Mr. Chairman and members of the committee, just very briefly. I am appearing before the committee reviewing Bill 34 because I believe this is one of the most important pieces of legislation affecting the lives of gay, lesbian and bisexual people in this province.

I want to compliment the Government on realizing the scope and scale of discrimination

against my community that has been enshrined in law, and on taking steps to correct 56 acts of the Legislature that are illegal under the Charter of Rights.

I urge you to carry forward this bill in the spirit of its intent; that is, to ensure that no statute remains on the books in Manitoba that treats some of its citizens as second-class people. Whether the issue is same-sex adoption, making medical decisions in case of incapacitating illness, or blending a family through taking each other's names, you are confirming our place as valued citizens of this society. It has been overdue, but is most welcome.

I commend you on leading the way and not wasting our taxpayer dollars by protracted legal fights, act by act. I look forward to coming before you again soon, as property statutes are reviewed as well. As a chartered accountant and financial planner, I can tell you that this will make a material and profound difference in the lives of many of my clients. As a citizen of Manitoba, I am here to tell you that today's matter, Bill 34, will make just as big a difference in how I feel about being a Manitoban. I am very impressed, and I am very proud. Thank you very much.

Mr. Chairperson: Thank you for your presentation.

The next presenters are Kendra Foster and Kegan McFadden, UWSA Lesbian, Gay, Bisexual, Transgendered Collective. Are Kendra Foster or Kegan McFadden here? Those names are dropped to the bottom of the list.

The next presenter is Diane Kelly representing Parents, Family and Friends of Lesbians and Gays.

Ms. Donna Brigham (Parents, Family and Friends of Lesbians and Gays): I am Donna Brigham, and this is Diane Kelly.

We would like to thank you for the opportunity to address this committee today. As I said, I am Donna Brigham, and I speak on my own behalf, as well as on the behalf of the people comprising the Winnipeg chapter of an international organization known as Parents,

Family and Friends of Lesbians and Gays, also known as PFLAG. This organization has two chapters in Manitoba, one here in Winnipeg and the other in Brandon.

To preface my remarks, allow me to read the mission statement at PFLAG: Parents, Families and Friends of Lesbians and Gays promotes the health and well-being of gay, lesbian, bisexual, transgendered and two-spirited persons, their families and friends through (1) support to cope with an adverse society; and (2) education to enlighten an ill-informed public in order to end discrimination and secure equal human rights.

Parents, Families and Friends of Lesbians and Gays provides opportunity for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity.

First of all, we congratulate and heartily commend this Government for the stance which it has taken and for the leadership which it has displayed in introducing Bill 34, as well as Bill 41, last year. We urge this Government not to delay, but to forge ahead with passage of the bill under consideration.

On a personal note, I am the mother of two children. I have a son who is straight and a daughter who is gay. My son has been married for nine years. My daughter and her partner have had a covenant ceremony and have been together for five years. Both my son and daughter are in loving, committed relationships. They are both responsible citizens who are an asset to society, as they both work as certified engineering technicians. My children were born equal, and all I want for them is simple. I want them to have equal rights.

We wish society was more understanding and tolerant of differences between people. We wish that cultural and racial differences, gender differences, intellectual differences, economic differences and, of course, sexual orientation differences did not cause the kind of discrimination and hatred that we sometimes experience and see around us, so we see a need for legislation which protects us from the worst kinds of intolerance. In providing that legislation protection, a deeper message is also being sent

by our legislators, that protected population, whatever it is, is valued and appreciated and that they are fully human. That, of course, is the message we would like to see given to society at large when it comes to our beloved gay, lesbian, bisexual, trans-gendered and two-spirited family members and friends. That message must come from many different sources, from us as friends and family, from our schools, from our employers, from our courts, from our newspapers and media, from our churches, synagogues and mosques.

I am here today to reinforce to you as representatives of our Government, the importance of legislation in the process of integrating and giving them equal human rights. The bill before you is a big step in the right direction, but the journey is by no means over. Thank you.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Sherri McConnell representing the Fort Garry Women's Resource Centre. Sherri McConnell. That name is dropped to the bottom of the list.

Next is Elizabeth Steindel. Elizabeth Steindel. That name is dropped to the bottom of the list.

Next is Kerry Cazzorla.

Ms. Kerry Cazzorla (Private Citizen): Good evening. In my notes, I make reference to the fact that I had brought you material, and I did. I wanted it photocopied so each of you could see the intense studying I have done on this. I wanted you to also have the information. They informed me when I came in that it was a lot of photocopying for all of you, so I was told to present it to you in its content here and lay it on the table. Then you could look over it later. I, personally, am not comfortable with that because I think each individual, you guys, should be looking at it individually as I speak, so that you recognize that what I speak of is based on fact.

It is my feeling that the NDP government, here, has been neglectful, irresponsible and aggressively self-seeking concerning Bill 34. It is irresponsible for any government to enact

legislation without a long-term evaluation on its impact to society. It is irresponsible to attempt to enact legislation that is not concrete and must be tinkered with after it has been made law. That is irresponsible.

The process of introducing Bill 34 has been rushed. Public information has been minimized by fast tracking this bill through the summer months during the time when many people are away or on holidays. Even the child advocacy group was busy. They were away on holidays. As I understand it, they overrule child and family service, and they did not have an opportunity to have impact on this. I think that is irresponsible.

Bill 34, risk evaluation, where is it? These are kids we are talking about. Where is your risk evaluation on what the impact is going to be for our children? None. That is irresponsible. That is negligent.

Manitoba has no sex registration. Based on Bill 34, a man like Dale Oswald—and I would have given you the complete article so you could have seen it—joyfully admits he is addicted to the taste of young boys. That was in *The Toronto Sun*. He was considered a predator and a stalker.

* (21:40)

I am not saying that all same-sex couples would be this way, but there is no sex registration for our children. There is nothing that is going to protect our children. A man like this, who is a predator and a stalker, can establish a relationship with another like-minded person. He can then adopt a child, and this Government would not know until the damage was already done. Bill 34 is flawed, and it does not protect the children and it does not benefit children at all.

You will notice in my paper that I was going to introduce information to you, but, as you can see, it is not there. In this brief here, I have an intense study that is titled *No Basis*. It is by PhDs Lerner and Nagai, and it proves that existing empirical studies of same-sex parenting have been produced by social scientists or social engineers. Actually, that fact was brought forward here earlier on when I believe one of the

speakers came forward and mentioned that herself.

This study shows that truth and facts have been rejected, and they have been replaced with the social feel-good philosophy. But this feel-good philosophy will not keep our children safe. What children need is critical data based on long-range study. No long-risk evaluation has been done to guarantee children will not be placed in an unhealthy environment.

Thirty years ago, parents, governments and others felt that divorce would not harm children. Children were resilient, they said, and they would bounce back. Well, we now know, based on long-range studies, that divorce does harm children. It causes emotional and financial distress as well as long-term ramifications for society.

I feel our children are being used as a testing ground for social scientists. In the study called *Pedophilia Chic*, which is here in this book, Mary Eberstadt tracks the progressive social sexualization of children through public policy, education and media.

Now, with Manitoba's, and I call it spineless, laws concerning our internet child porn, with our diversity television, educators involved with students, the push to lower the age of consent, and lobbyists with self-seeking agendas, all of this has brought us to the point that we are at today with Bill 34.

The Government has become sensitized. The Government has forgotten why law must protect children. The Government has become sensitized, and, in doing so, you have sold out the children to obtain votes.

Children need both parents of both sexes. Studies have been done—Dale O'Leary in *Children as Victims of Their Parents' Choices*, in which he says: "Differences between the mother and father can be very stimulating to the infant, providing contrasting healthy images." Now this study shows the need for the mother and the father figure, and it stresses that mother and father are not interchangeable.

Sigmund Freud, the founder of psychoanalysis, wrote of the Oedipus complex, which

involves the child's unconscious desire to possess the opposite-sex parent and to eliminate the same-sexed one. Other psychoanalysts, such as Gleitman, agree that it is imperative that children, especially in the early developmental stages of their life, have an innate desire for a mother and a father. Children need them in order to have proper development of social and mental capacities.

Children need a mother and father, and the union of marriage provides that security that children desire and deserve. Bill 34 does not ensure them this protection. It would be negligent of this Government to impose an unhealthy living environment upon children without a long-range plan.

In Robert Knight's paper, "Answers to Questions About the Defense of Marriage," he studies the questions concerning same-sex marriage and equality. His conclusion is: "When homosexual couples seek state approval, and all the benefit that the state reserves for married couples. They impose the law on everyone, while taking away the rights from others.

Marriage between a man and a woman is the foundation of civilization, not only culturally, but economically. To undermine it is to crumble our foundation. Love is not what defines healthy relationships, because if marriage is radically altered based on a feeling of other relationships, then the sky is the limit.

Now, most importantly, it is not what Kerry Cazzorla wants, and it is not what the same-sex couples want. It is what the kids want. What is good for the kids? What do the kids want? The children want a voice, and Bill 34 denies them a voice. It denies them a choice of parents. Children want moms and dads. Children have spoken out in polls. The National Election for the Rights of Youth in 1999, overwhelmingly pointed out that youth supported traditional families as their desired standard. That is the kids that said it, not me. The Convention on the Rights of the Child (1991), children voted across the globe. They chose family as being their highest priority. This family was the traditional mother and father. Leger Marketing conducted a poll which showed Canadians voted by a majority against the right of same-sex couples to

adopt. They did not vote against same-sex couples to have benefits, to have equal rights, but they did vote against same-sex couples to adopt. That is Canadians. That is a national poll.

When we have an overburdened social services right now, CFS cannot handle what it already has. Bill 34 will tip the scale and more children will fall through the cracks, and with no follow-up on adoptions, no sex-offender registration, children will be irreparably damaged, and this Government will be held responsible. You will be held accountable because you will be responsible.

Bill 34 is a bad bill. No risk evaluation, no long-term evaluation on the harm it will do to children, what it will do to society. I am opposed to this bill. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenter is Faye Kliever.

Ms. Faye Kliever (Private Citizen): How does one follow her? My name is Faye Kliever. I am a Christian. I am a mother of two teenagers. You have my full presentation there, and I am not going to bother going through it because she said it all right there. She said exactly what I would have wanted to say, but I did not have the hours and hours of research and effort that she has put into it, and I thank you for that.

What I would like to say is that I protest Bill 34. My greatest concern is that this opens the door wide to the obvious next step, which would be the redefining of marriage itself. If this bill passes, it will be the same as saying that it is okay to next redefine the age-old institution of marriage. Institutions such as marriage should not have to be justified from changes like this in the name of tolerance and equality. I am all for tolerance and equality, but not at the expense of the institution of marriage. The personal commitment between a man and a woman needs to be encouraged, not weakened by a proposal by a small percentage of the population. Is this the way that our Government works, that a small minority of people can bulldoze their way into changing the way of life lived for centuries and based on Christian beliefs? Why is it that the squeakiest wheel is allowed to force the majority of the population to change their core values?

I am not going to read the entire presentation. I just want to sum it up at the end. This bill creates a major change for a minority of people imposing the values of the few on the majority. That is all I would like to say. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenter is Jean Chorneychuk. Jean Chorneychuk. That name will be dropped to the bottom of the list.

The next presenters, Jayne Kapac, Rhonda Chorney, Dina Juras, Sharon Taylor, Karen Luks, Gio Guzzi, Kirby Fults.

Please identify yourselves before you speak. Do you have a written presentation?

Floor Comment: I do.

Mr. Chairperson: Please proceed when you are ready.

* (21:50)

Ms. Rhonda Chorney (Private Citizen): My name is Rhonda Chorney. We make this submission on behalf of a number of members of the gay and lesbian community whose names appear at the bottom of the submission.

It has been a difficult decision for us, some of whom are involved in relationships of some duration, to come forward and speak critically about aspects of this bill. We want to be clear to this committee that we are in support of some aspects of the legislation as it is currently proposed, in particular, the assurance that there are full adoption rights for gays and lesbians. We do not want our criticism of the bill to, in any way, compromise the immediate integration of adoption rights for same-sex parents.

We are advocates for changes in the law that end unjustifiable forms of discrimination on the part of the Government toward members of the gay, lesbian, bisexual and transgendered communities. Having said this, we recognize that there is great diversity in the lives of gays and lesbians, and, in particular, the ways in which we define our relationships.

Unilaterally imposing legislation on all of our relationships that would suggest all of the rights and responsibilities of marriage, does not acknowledge the myriad of ways in which we define our relationships. It is our position that marriage, and the assumption of the rights and responsibilities that attend the decision to marry, ought to be a matter of choice. It seems to us that if this Government really supported full equality for same-sex relationships, then it would permit these relationships to be registered under The Marriage Act. It appears that the Government is attempting to avoid making this kind of controversial decision by simply deeming individuals to be married, regardless of their intentions and desires in this regard.

The marriage option and/or the adoption of a domestic relationship registry system that would allow individuals, straight or gay, to register as if married, and, thereby, declare their intentions to assume all of the rights and responsibilities that attend marriage, is all that is needed to satisfy equality requirements. Equality does not require the Government to impose on all individuals who live together marital rights and obligations, regardless of their intentions and desires in this regard.

Ms. Jayne Kapac (Private Citizen): Good afternoon, my name is Jayne Kapac. Aside from the issue of whether marriage ought to be a matter of choice, we have concerns about the fact that aspects of Bill 34 are being considered and debated in isolation of, and not in conjunction with Bill 53, which is the companion legislation to this bill.

The effect of certain aspects of Bill 34 is to impose certain obligations, or to restrict entitlement to certain benefits in relation to individuals who live together. However, the trigger for these obligations and restrictions is different from the trigger that facilitates access to the rights. For example, under the provisions of The Department of Health Act, where the Government incurs expenses in connection with the provision of non-insured health care services to an individual, that individual's husband or wife is legally liable to the Crown for those costs. Bill 34 would extend that obligation to common-law partners who have been residing in a conjugal

relationship of some permanence, whatever that means.

However, many of the rights that common-law partners are to be afforded, pursuant to Bill 53, only kick in after three years of cohabitation. Should the trigger for the responsibilities not mirror the trigger for the rights?

The similar observations apply with respect to the proposed amendments to The Employment and Income Assistance Amendment Act. There, the director of employment and income assistance, or a municipality, may, in their sole discretion, imply an obligation on individuals living together to support each other, regardless of how long they have been living together. Again, however, those individuals' rights vis-à-vis each other may not kick in until after three years of cohabitation. Again, we say that the trigger for responsibilities should mirror the trigger for rights.

Our final concern in regard to this particular point: What if implementation of Bill 53 is delayed or abandoned? Will individuals in the interim be left only with the responsibilities and restrictions but none of the rights?

Ms. Dina Juras (Private Citizen): Hi, my name is Dina Juras. In our desire to be inclusive and gain equality for gays and lesbians under a human rights framework, what are the implications of this legislation in a homophobic society? In the absence of people making a choice to opt in by registering under The Marriage Act and/or domestic partnership registry, is it fair to impose upon all an obligation to disclose their sexual orientation and partnerships when there are homophobic repercussions? Will people who do not feel safe to disclose be committing fraud under this new legislation?

We see numerous examples on a daily basis of gays and lesbians who choose to hide who we are and our relationships for numerous reasons, mainly homophobia. We need only to bring up examples of gays and lesbians working with children to illuminate this reality. The stereotypes continue to be perpetuated. It takes incredible strength, courage and stamina to fight against this, and many choose not to fight, but to hold onto their jobs. There are also numerous

gays and lesbians who at the start of a new job, lucky enough to have benefits, choose not to disclose marital status for fear of reprisals, perceived or real. Will they be committing fraud?

How does the legislation accommodate the diversity and reality of our lives? What is the responsibility of this Government to start building a bridge between legislated equality and societal environments that embrace equality? What is this Government's strategy to use the expertise of existing gay and lesbian organizations in creating and promoting visibility of gay and lesbian culture—when I say gay and lesbian, I mean transgendered and bisexual, as well—of our contributions to society, as well as educating all on the hardships faced by discrimination? What are the public policy changes this Government is prepared to take to promote the same within the House and within its departments?

We believe that you have a responsibility to ensure that the spirit of social justice that is guiding this legislation is embedded in a broader strategy that will truly enhance social justice for all. Thank you.

Mr. Chairperson: Thank you for your presentation. The next presenter is Jeremiah Lexier.

Mr. Jeremiah Lexier (Private Citizen): Honourable Chairman and committee members, I am Jeremiah Lexier, and I am a pastor. My heart, of course, is to see the welfare of every child and every family to approach to the best performance that a family possibly can, to see them healthy and happy and productive in the society we have here.

I want to say that this talk that I proposed here was what the provinces of Canada have to look forward to in the future. Biblical and secular history records that mankind learns nothing from history, I think you will agree, and as someone has wisely said, we are therefore condemned to repeat our mistakes and suffer the consequences.

Mr. Vice-Chairperson, in the Chair

This good book, the Bible, will outlive every one of us. This word is settled in Heaven that it cannot be changed or moved, and I know that

you know that. Deep in your heart, you know that I believe that, as Psalm 2 says: "Why do the heathen rage, and the people image a vain thing? The kings of the earth set themselves, and the rulers take counsel together, against the Lord, and against His anointed," His Messiah.

So the people are imagining a vain thing, something that will not profit them. Since the world began we have had a record here in this good book of societies that have collapsed because of sodomy, because of lesbianism, because of abortion. We have societies collapsing. It is all recorded for us to learn and be wiser as a result, but it seems that it takes some devastating experiences in our lives in order to change the way we live. Do you not think so?

* (22:00)

We are victims of our willingness to compromise what God has said in His word is acceptable to Him. I am sorry for that. I am sure that you do not want suffering because you have ignored God's word. In this nation and in others we have operated on the assumption that there are no moral absolutes. We have adopted the faulty reasoning that if it feels good, do it. Those who are continually referring to the Bible, like myself and others, as their standard of acceptable behaviour are very often regarded as religious bigots. We are not looked upon with much favour. I can understand that because society is going in the wrong direction.

In the early church those who preached the Gospel and turned many to righteousness were said to be turning the world upside down. Yes, they were. They were turning it rightside up. It was the way it was supposed to be. Men and women were beginning to live righteously holy lives, but that did not agree with the majority. Unfortunately, those who want to live holy, righteous lives are still in the minority. Is that not true?

We have wars because of that. We have wars because men long to have their own lusts fulfilled. They covet and they do not have anything, the Bible says, because they do not ask, and when they do ask, they are asking for the wrong things that they might consume it on their lusts. So we have a real problem, do we not?

We are facing the problem inherent in every one of us. We have sin, the sin nature dwelling in our members. The only one who can change that is the Lord Jesus Christ. He is the only one who can transform these evil natures so that it will become like His nature, a glorious and healthy righteous nature, somebody who will bring blessing to all the world. Those who have invited Jesus Christ into their hearts have begun to bring blessing to the world because they have decided that they are going to live a life that is dead to self and alive to God.

Not all are doing that. Unfortunately, there is a lot of compromise in the Christian community. They brought a bad name on Christianity, on the Lord Jesus. There are still prophets, though, that are sent by God today to warn nations of the destruction that awaits them if they continue along the path they have chosen, when their government and legal system choose to go contrary to the word of God and ignore the consequences suffered by other nations who chose to do the same thing. We have examples of that in history books and in the Bible that we have easy access to. There is no excuse really, is there, for choosing the same way that other nations have chosen, which brought destruction, internal decay.

God, the Father of our Lord Jesus Christ, has made His love for mankind clearly evident. He says in His word, for God so loved the world—that is you and me—that He gave His only begotten Son, that whosoever believes in Him should not perish, but have everlasting life. Now, that is a good word, is it not? It is encouraging. It is encouraging to the sodomites, it is encouraging to the lesbians, it is encouraging to the abortionists, because God says He loves them all, but He does not want them to continue in their sin. He loves them, but He hates their sin.

He has also made His hatred of sin equally clear in this precious Bible. This is Leviticus, chapter 20, verse 13. He says if a man lies with mankind as he lies with a woman, both of them have committed an abomination. They shall surely be put to death. Their blood shall be upon them. Again, in the New Testament, he says men and women professing themselves to be wise became fools and changed the glory of the

incorruptible God into an image made like corruptible man and to birds and four-footed beasts and creeping things, wherefore God also gave them up to uncleanness through the lusts of their own hearts to dishonour their own bodies between themselves, who changed the truth of God into a lie and worshipped and served the creature more than the Creator, who is blessed forever. Amen.

For this cause God gave them up to vile affections. For even their women did change the natural use into that which is against nature, and likewise also the men, leaving the natural use of the women, burned in their lust one toward another, men with men, working that which is unseemly and receiving in themselves that recompense of their error, which was appropriate.

Now, that probably seems very harsh, does it not, but God wants a holy people. God wants you and me to be a holy people. He wants us to inhabit eternity with Him. He wants us to enjoy the things He has provided and prepared for those who love Him. If you and I could have a little look into what God has prepared for us, you would absolutely put away everything that defiles you and makes you unclean in God's presence. You would want what God wants for you. You would love Him because He is a loving God. He is not a God who hates. He hates sin, yes, but He loves you.

In case you are wondering if God really is at work in the world He has created, you only have to look at Israel, a nation that has been resurrected and regathered from the nations of the world where God had scattered them after nearly 2500 years of obscurity. Historians will agree that what has taken place with the nation of Israel has not been duplicated with any other nation. God spoke to the nation of Israel by His prophets hundreds of years before He brought His plan about in their lives, warning them in advance. They ignored His warnings. They treated His prophets shamefully and added to it the ultimate sin of crucifying their Messiah in co-operation with the gentiles. But all this was foretold in the Bible. It did not catch God by surprise, did it?

God desired to show us mercy and save us from our sins. He will when we sincerely repent

of our sins and ask Jesus to cleanse us by faith in His blood and come into our hearts and make us His children. God has not provided any other way of salvation. Now we in Manitoba and in Canada have been given the opportunity to turn from our evil ways before the judgment of God falls upon our nation as it surely will if we pursue what we are doing.

Please do not incorporate Bill 34 into our legal system. We already have gone too far with this abomination, and it needs to be reversed before we as a nation suffer irreparable damage. Canada does not need enemies outside our nation to bring us to ruin when we are encouraging sodomite and lesbian relationships not to mention abortion that God says He hates, nor will all our intellectual arguments, rationalizations, et cetera, change His decision.

Remember, lay it to heart, the countdown has already begun, and only national repentance will lengthen the tranquility of this nation. Thank you very much for the opportunity to address you.

Mr. Vice-Chairperson: Thank you very much.

Jason Ryan, please.

Mr. Jason Ryan (Private Citizen): Hello, my name is Jason Ryan. I am a citizen of Manitoba. I was born and raised here. I have owned a private investigation company in Winnipeg now for the last six years, and I am very successful at my business. I have some questions which I wish to contend to this committee regarding the proposed legislation of Bill 34. Now I have supplied a copy for the committee to review as I go through this, and I touch on these concerns. I hope you will find them helpful as you consider the changes and specifically the fate of this bill. I will do my best to answer any questions that you may have at the end of this presentation.

As an investigator licensed and bonded by the Manitoba Justice Department, I am empowered to investigate any number of things. I have tried to secure an understanding of the content and potential ramifications of the amendments of Bill 34 and specifically what it proposes. I have found that the greatest impact in this bill is, of course, to The Adoption Act along

with some other disturbing facts I will now present, along with my personal comments at the end.

1. The intent of Bill 34 is to bring into compliance the provincial acts with the Charter of Rights and Freedoms. However, I have failed to find any wording in the Charter that supports this. It seems to be an implied change. Of course, there are no amendments as well that are currently in the federal legislation to adopt that. One of the stated goals of the bill is to specifically apply the definition of common-law partners to same-sex couples to provide direct access to adoption of children, and that is listed in the explanatory note on page 27. My question is: What information do you have regarding the suitability of this type of environment as a safe and healthy process for choosing and placing a child into that type of custody? How does that information relate to such a high incidence of First Nations wards that could or would be placed into such environments annually?

2. The amendments referred to in section 75 of The Adoption Act regarding the investigation by agency which as well has overlapped in section 3, best interests of the child, whereas assessing a unique family situation will now require the investigating agency to assess the stability of a relationship. I question how this will be done by CFS, Child and Family Services. What criteria specifically are you referring to that supports their ability to make such determinations? What period of time is used as a reference? Of greater concern, how will the additional stress of a same-sex environment, with its documented social pressures on the child, add to the existing pressure the child is faced with through the adoption process?

* (22:10)

3. Do you feel that there is legitimate concern that this bill would amplify stresses on an inter-racially adopted child as they currently exist?

4. In section 57 of The Adoption Act, a home study can be accepted if it was previously prepared. However, no time line is given as a guideline for acceptance. In essence, it appears

that a home study conducted once can become a basis for placement or for suitability perhaps years down the road when dramatic changes in circumstances have occurred. Is there a policy or provision for such home studies to have a statute of limitations of sorts, and would this not be a suitable amendment to such a bill?

5. Under sections 50, 67 and the like in The Adoption Act, there is no screening provision for adoptive parents to disclose any criminal offences or convictions in the application process. Is this part of the home study process? Is it considered relevant in or to the adoption process? I personally would consider it relevant. If it is considered relevant, what part of the process is documented? Where is it documented? No one I have spoken to can seem to answer me clearly. I think this would be a suitable amendment as well to such a bill.

6. Under what circumstances is a person eligible, adult adoptee? Would these references in sections 93 and 94 of The Adoption Act usually refer to intellectually or physically challenged adults? If so, who acts as an advocate for them in this bill?

7. In section 75 of The Adoption Act, a reference is made to the declaration of commitment to the child as a new, proposed amendment. What is this declaration and how does it differ from the declaration of commitment listed between common-law partners, and, ultimately, how would it be enforced? Nothing addresses that.

8. How come a definition of the declaration of commitment does not exist in the Definitions section of The Adoption Act? Would this not be a suitable amendment for such a bill considering that the basis of legislation is based on a declaration of commitment to now allow same-sex couples to adopt?

9. Have you as a government considered its ramifications on the resources at Child and Family Services, especially on the Children's Advocate's office? They are expected currently to extend their 1200-plus cases per year with only seven full-time people, three of which are allowed to travel outside of Winnipeg through the final stages right now of the CFS devolution

to the First Nations. Through that devolution process, they have already stated in their annual report, they are expecting an incredible amount of work. They do not know how they are going to meet the problems that are going to come up through devolution with their current budget outlines or their current staffing.

Now we are proposing changes to an amendment that they are responsible. The Child Advocate is specifically responsible to oversee The Adoption Act and The Child and Family Services Act. You are now extending the criteria that those departments will use to make judgments. Those judgments are not going to be in favour for everybody. What it does is set up an increase in adoption applicant complaints, which go to the Child Advocate's office. Children placed into these environments that fall under stress, the Child Advocate is supposed to be able to act on behalf of the child if the child calls. Also, there is a lack of obvious knowledge in the long-term effect to children selected for these placements. Let us make that part clear. These people are selected. These children have been selected. They had no choice. A baby is picked out. When does it come down to a shopping mall concept, especially in this situation as it relates to interracial children adoptions?

My question specifically to this committee is, if you are going to consider this legislation, I sure hope you support an increase, in particular, to the funding of the Child Advocate's office to also monitor all these changes, because they are really your only weapon. They are the only ones that police what it is you guys are saying you want to do.

10. We heard it earlier, and I find it ironic, but the term "some permanence" is about as oxymoronic as you can get. I do not see how those two words can go together.

What I find more interesting is, if you go through the actual proposal that you have placed in Bill 34, the bill utilizes four different time lines to indicate the establishment of a minimum term for such relationships. Which one is it? Is it six months, one year, three years or five years? Because those are the numbers that this act, this bill, says have to be in place before proper

legislation or an argument can be made that these people are couples.

These are specific, and in my opinion, major potential faults in the bill and the acts that it will affect. I hope the committee will consider them as they see fit and consider them carefully.

Now, my personal thoughts. I find that my personal comments seem to drift to more philosophical thoughts, and they have been echoed in some of the speakers before me.

What, where and how does this all end up? When did we as a democratic society stop advocating the rights of the majority to fill the special interest agendas of individuals?

We are becoming a house divided upon itself. And with such fundamental changes in our family heritage, our nation cannot seem to stand on guard for me and for the proud legacy of the traditional generations that went before me.

Our children are our legacy, our heritage. The consistent erosion of the family unit model that built this country, and now ignored by the NDP government to appear politically correct, has one underlying truth. You have heard so many different opinions tonight, I do not think it is hard to realize this. There is no credible, empirical, replicable studies that can say with any integrity or certainty of what the long-term effects will be to children of same-sex adoption. No one knows. But this bill demands greater care, it demands greater study, and it demands public input before we allow Manitoba to become a poster province for any special interest groups and their political agenda. We have heard that tonight. Manitoba will now go to the cutting edge of same-sex legislation. That is not a reputation that I as a Manitoban necessarily want to have.

This bill, going further, has absolutely no provisions for convicted felons to disclose criminal convictions or charges at any time during the adoption qualification process, nor does it suggest that such a situation can be grounds for refusal.

This bill makes every attempt to accommodate the fundamental changes for the same-

sex couples to adopt, a reality in Manitoba, but it does nothing to protect children from the calculating sexual predators. Why not?

Mr. Chairperson in the Chair

This Government has a responsibility in considering the welfare of all its citizens. All of us need to know what is going on, and all of us need to be protected. I realize it is always some of the people some of the time, especially as an MLA. The problem that I have with this is that the wards of the province that cannot protect themselves do not have a voice here.

Are we going to see somewhere years down the road, because of this legislation now, some child that was placed into a same-sex couples adoption suing the province because they were not given the same care and love from both a mother- and a father-based family unit, because they were just chosen to be placed into that situation. This is an obvious minority and this minority condition, for the sake of a unilateral definition change.

The Adoption Act is not on the cutting board, and that is what has happened. By changing the definition across the board, we have heard it before. What two people do is what two people do, but now you are extending it just by making that definition change, you are fulfilling an agenda that goes far beyond what is realistic and what is fair, and you need to consider that.

No one wants to stop a child from receiving healthy love and nurturing from anyone who can do so, yet this bill is so poorly written into The Adoption Act that this Government seems to assume that everyone is good, and that there are no bad people out there who could or would exploit it and its changes. That is a fundamentally wrong assumption.

* (22:20)

Mr. Chairperson: Excuse me, Mr. Ryan. I just wanted to let you know that you are about two minutes from your maximum, so you might want to move to your conclusion.

Mr. Ryan: I will move fast. I will talk fast. I am not in church, right?

We as Manitobans cannot be apathetic to this legislation and we need to stand up to this issue and study it deeper. We have two excellent

universities. Why not try these universities to create some sort of blind study so that we can see the long-term effects of this? We are not seeing any proposals towards that. Again, this bill is poorly written and it cannot stand up to the worst-case scenarios for our children and their inherent safety as Manitobans. That makes it grossly flawed and seriously dangerous.

I have received independent legal counsel, as well, to confirm these interpretations. This is about a child's safety first, not specific agendas.

What two people do in the bedroom is between them and morality. However, you do not bring a child into the bedroom with you where you sodomize or commit unnatural acts to each other so you can justify sexual preferences. That is what this is boiling down to, and that is exactly what Bill 34 does. It has been a calculated attempt by this Government to ram legislation through during a unique extended summer session, I might add, when Manitobans are on holidays or are considering what our Blue Bombers are doing. It is not considering the unheard voices of Manitoba children.

Also, the current rumour that this Government, both NDP and, surprisingly, the PC Opposition, will attempt to hide its members' votes by not recording its members' voted positions on this bill is a shameful admission of discomfort for this bill. It will appear, I believe, as a short-term gain and a long-term pain as well as feed the further accusations of NDP secrecy.

Mr. Chairperson: Excuse me, Mr. Ryan. Your time has concluded.

Mr. Laurendeau: Mr. Chair, I do believe Mr. Ryan is almost concluded. I would seek leave for Mr. Ryan to conclude. He is on the last page.

Mr. Chairperson: Is there leave of the committee for Mr. Ryan to finish? *[Agreed]*

You can finish.

Mr. Ryan: Thank you. As well it also appears curious that either through coincidence or through planning, and I am not sure which, that this legislation has been quietly shuffled through while Janet Mirwaldt, the Manitoba Child

Advocate, is on holidays. How can she speak to this bill if she does not know it is going through and her office was not aware of it?

Besides the questions I have raised, I have four basic requests of this committee:

1. Think past politics, past egos, past agendas and think of the children you are supposed to be responsible for. Postpone the extension of adoption rights extended through Bill 34 to same-sex, common-law or coupled partners until further Manitoba-based studies can at least predict the impact on its families and the children affected through these amendments.

2. Convene a public forum this fall of the year on the specific issue to see what Manitobans really want on this issue.

3. Commission two blind studies from each of our universities and promise not to legislate adoption rights until you receive their published results.

4. Create a public or police registry—I do not care if it is private or it is public—create a registry for pedophiles.

If you want to lead the country in something, lead it in that. Our country does not have any type of legislation right now that identifies a pedophile, a sexual predator or, in particular, a child-abuse offender, under the same banner so that you can put them in the same area. You know, when you look at one spot you see it all. We do not have that. Do that. Put that into our province and eliminate them from adoption suitability with the same tenacity that this Government has shown for the gay and lesbian minority.

I thank each of you for your sincere dedication to be here tonight, listening to guys like me, but it helps me to believe that you actually care and you are in touch with Manitobans. I can answer any questions you have now.

Mr. Chairperson: Thank you for your presentation.

The next presenter is Marilyn Friesen. Please proceed.

Ms. Marilyn Friesen (Private Citizen): Good evening, ladies and gentlemen, members of the legislative committee. My name is Marilyn Friesen. I live in Fort Richmond on Linacre Road in the constituency of St. Norbert. Marcel Laurendeau is my MLA.

I come to you as a retired teacher and a happily married mother of two children who are married and have blessed me with five grandchildren. I am here to tell you that I am not for this legislation. Through my personal experience as a teacher and as a parent, I have seen the impact parenting has on children. As a grandparent, I am rewarded for my efforts by seeing how my children are bringing up their children. I am not saying their life is a bed of roses, not at all, but they, as husband and wife, are doing their utmost to raise their children to make wise decisions and healthy choices.

I could come to you to talk about the impact that homosexual parenting has upon children, but instead, I have come to tell you reasons children need a male and a female parent. In my research for this presentation, I found the information from Glenn T. Stanton, Senior Research Analyst for *Marriage and Sexuality at Focus on the Family*. His collection seems to be the most valuable, so I ask you to have ears that listen and hearts that hear this message.

If Heather is being raised by two mommies, and Brandon is being raised by Daddy and his roommate, both might have two adults in their lives, but they are being deprived of the benefit of the essential influence of a mother and a father. The co-operative input and the influence of a male parent and a female parent is essential for proper child development.

Doctor Kyle Pruett of Yale Medical School explains in his article "Fatherhood," fathers do not mother. A father as a male parent and a mother as a female parent each bring unique contributions to the parenting project. The following are some of the most compelling ways mother and father involvement make a positive difference in a child's life:

The first benefit is the difference itself.

Number one, mothers and fathers parent differently. By their distinctive style, infants can

tell the difference between a male and a female interacting with them. Whether we realize it or not, children are learning at this very earliest age, by sheer experience, that men and women are different and have different ways of dealing with life, other adults and children.

Number two, mothers and fathers play differently. Fathers tend to play with, and mothers tend to care for children. Both mothers and fathers are physical but in different ways. Fathers roughhouse while mothers are gentle.

Number three, fathers push limits and mothers encourage security. Fathers tend to encourage children to take chances. They entice their children to swing higher, to ride their bike faster, to throw just a little harder. Mothers protect and are cautions. Either of these parenting styles by themselves can be unhealthy, but joined together, they keep each other in balance and help children remain safe while expanding their experiences and confidence.

The fourth point is, mothers and fathers communicate differently. Father's talk tends to be more brief, directive and to the point. It makes greater use of body language. Mothers tend to be more descriptive, personal and verbally encouraging. Children who do not learn to use and understand both styles of conversation will find themselves at a disadvantage because they will experience this out in the world.

The fifth point is, mothers and fathers discipline differently. Educational psychologist, Carol Gilligan, tells us that fathers stress justice, fairness and duty based on rules, while mothers stress sympathy, care and help based on relationships. Fathers tend to observe and enforce rules systematically and sternly, which teach children the objectivity and the consequences of right and wrong.

Thank you for listening.

Mothers tend toward grace and sympathy in the midst of disobedience and provide a sense of hopefulness. Together, they create a healthy proper balance.

* (22:30)

The sixth point is fathers and mothers prepare children for life differently. Dads tend to

see their children in relation to the rest of the world, whereas mothers tend to see the rest of the world in relation to their child.

The seventh point is fathers provide a look at the world of men, where mothers provide the world of women. Girls and boys who grow up with a father are more familiar and secure with the world of men. Girls with involved, married fathers are more likely to have healthier relationships with boys in adolescence and men in adulthood, because they learn from their fathers how proper men act toward women. They learn which behaviours are inappropriate. They also have healthy familiarity with the world of men. This knowledge builds emotional security and safety from the exploitation of predatory males.

They also learn from mom how to live in a woman's world. This is especially important as they approach adolescence and all the changes that life brings. Boys who grow up with dads are less likely to be violent. They have their masculinity affirmed and learn through their fathers how to channel their masculinity and strength in positive ways. Mothers help boys understand the female world and develop sensitivity toward women.

The eighth point is father and mothers teach respect for the opposite sex. I must say that they do not always do that, especially when there are disputes in the family, but this is speaking of what healthy relationships are like.

Also, the ninth point is that fathers connect children with the job market.

In conclusion, when we disregard the gender distinctions of parental influence as unimportant or unnecessary, we seriously diminish the proper development of children. Children need active participation of a mother and a father, and both parents need to be true to their gender design. Both bring different and equally important things to the parenting project. We impoverish children in our society when we deny our children the influence of a mother and a father, because we limit their development into well-balanced, healthy adults.

Today, our society is feeling the effects of single-parent families, families whose children

have suffered from the effects of not having a father or a mother to complete the parenting duo, or to be there to support them, to uphold them and to direct them as they would desire. I must ask you: Why do you want to compound the issue by making it legal to bring up a child with two parents of the same gender? Adoption already has its challenges. Why muddy the waters by placing these children in homes with parents of the same gender?

I have not been given enough time to share with you excerpts from stories of children who have been raised by gay-parental influence, or children who have struggled with feeling gay and want help to become normal and well-balanced persons, but that information is out there. I have looked at it. I just could not include it tonight, but that is the work you should be doing as my paid representative, paid by my tax dollars, before you make such a lasting decision.

Children have no say in who will be their parents. They are the innocents who rely upon the wisdom of adults to make important decisions for them. We should be their advocates, those who should know what is best for them, by speaking up for their welfare. If you, as my representatives, push this legislation through without looking out for what is best for the child, you will have failed. If children do not get placed as a No. 1 priority over the desires of a minority, you will be held responsible. I ask you, please, realize the permanence of your decisions on a child's life.

I thank you for hearing me.

Mr. Chairperson: Thank you for your presentation. The next presenter is Virginia Larsson.

Ms. Virginia Larsson (Private Citizen): A lovely bunch of familiar faces. Hi. I feel really comfortable here before you. Why? Because I am a brunette and I am convinced that, because you are changing the laws of history for .02 percent of the population, hey, you are going to change it for me, too, when I have a special interest that I want to propose into law.

So, now that I have said that, I think you could probably start making a list for your own.

Anyway, I would like to get serious with you here. It is a serious issue and I thank God that there are people here who are giving a good and relatively studious, balanced presentation and not just from a personal soap box. Have you noticed that nobody is speaking for the child here? How many here have really spoken for the child? Half a dozen? Half a dozen out of fifty? Let us see, the general consensus that I am hearing is: It is all about my rights; it is all about my rights as an adult.

Well, what about the voice of the children? They are the ones that cannot speak. You, Mr. Sale, and you, Mr. Mackintosh, are responsible for bringing justice for the children. You are supposed to be doing your homework. You are supposed to be bringing the documentation to support this legislation. You are supposed to be covering all the cracks, so that none of these children fall into devastating situations. May I say that that devastation is not going to come in a big blast? It is going to come through the statistics of suicide; it is going to come through the statistics of neglect; it is going to come through the slow, creeping decay of history. That is where we are going to see it. Not in one big blast.

We are congratulating ourselves because we are doing this and we are passing the almighty legislation for the tolerant people. Well, I would like to bring it back to a little bit of reality. This is about the voice of children that cannot speak, and those that have spoken before me, that are against this bill. Why? Because it has not been written properly. There are conflicting time lines, as has been brought up. There are areas of some permanence, as a friend here brought up. Some permanence? We are supposed to be putting these kids into adoption for life. What is "some permanence"?

This Government is pushing bills through legislation in the middle of summer when family, clergy and child advocates are away on holiday. What is that? Are we supposed to be acting on behalf of the people? If this bill is so good for society, why are you doing it when everybody is away? It is absolutely irresponsible and disrespectful for the people that have put you in office. If this Government is left unchallenged, Manitobans are going to come

back to discover a society whose traditional values, family standards, have been changed behind their backs. Because you know what? They are going to find out about what is happening here. This province is going to wake up, because they are going to realize that this was done by increments.

Now I would like to turn your attention to this incremental change, which is the declaration of commitment. The declaration of commitment is going to be changed. How is it going to be changed? Well, it is going to be changed after. Has any of you talked to your constituents and told them that this very important bill is going to be changed after? This is the bill that common-law people use for adoption. You are going to lift out husband and wife and leave it open? Do Manitobans know this? You are tabling a bill and expecting Manitobans to accept it as, say, an orange, and they say, oh, yes, that is fine. We are all for tolerance, but do they know that they are going to have take an orange, an apple and a banana. What I am talking to you about here, is that once this bill is passed, their marriage is next on the chopping block. You have already opened up this declaration of commitment to augment it to accommodate same-sex couples. We are not stupid here. We really do understand that, then, that is going to be legislated, and before we know it, hey, why not go for marriage?

* (11:40)

We want to stop this now. For the sake of the children, we want to stop this. You are running ahead of the federal government. Why are you doing this? What is the pressure? Is there some pressure coming down, some libel suits coming down, some legal cases at your doorstep? It is nothing compared to what you are going to have once you pass this bill. That is guaranteed. In the States, if you do not know this already, there are already adoption cases that are up against and suing those responsible for placing them there. I hope you sleep well with that thought.

Other people have already stated that the statistics show that we need a male and a female as a role in the family unit, in the traditional family unit. Why are we messing with that? It is

established. It is history. Until you can make sure that everything is done right in this bill, do not change it. Nobody is asking you to. The Supreme Court of Canada is not asking you to. A couple of cases, you are going to change this for like, what, a thousand people here in Manitoba? What are the statistics? There are 1200 cases of adoption ready to go, and we are just changing the rules for a thousand people?

Our adopted kids that are out there, they already have enough obstacles to overcome. Why are we adding more? These changes that you are proposing, I do not see any benefits. Have you tabled any benefits to the public? Have you got out in the newspaper and you said, hey, this is great. We are going to change. We are going to have same-sex adoptions, and it is so good for kids because, why? Where is the evidence? Show us. Prove it to us. It is your job.

We have all had our choice here, people. You are all adults. I cannot stress this enough. These children are placed into adoption for life, life. If I do not say it strongly enough, let it echo: life. These children are going into homes for life. Are there enough people to monitor their situations? No. That has already been established.

Winnipeg Child and Family Services, they did not even know about this. Well, Mr. Sale, I am sorry to maybe bring you a piece of information that you are not aware of, but I have talked to one of your directors of adoption and he did not know about it, so maybe you should check with him. I should not have to be the one doing this. This should be such a good bill that we should all be wanting it.

You are extending these environments to these children in adoption without any monitors in place, which has already been mentioned. Have you hired any more case workers to handle the overload, more psychologists, more psychiatrists? Is there a cyber tip line? No, I do not think so, Mr. Mackintosh. I do not think that is in there yet. Is there a sexual offenders' registry? No. Where are these kids going to go?

You know, the history will show what you have done here, today, and every single person is going to be responsible that votes for this. You

will know it in the polls, because this is not going to stop here. We are going to inform the public. Do you think this is the it? We are going to the public. We are going to every single constituency and we are telling them how you voted. We are telling them that you did not tell them about what you are doing to the children of Manitoba, their heritage. So I want you to think about that.

Now I am going to give you a bit of a personal testimony. I was molested at six years old by a same-sex person. Maybe some of you do not think that is such a bad thing, but what that did to me was separate my absolute confidence in my mother's touch. I did not know what she was doing when she reached out for my hand. I could not receive a hug from her because I was confused. I did not know whether she was going to touch me in private places. When I needed my mother to be a covering in my life, to guide me, I could not go to her because intimacy in a proper manner, a guidance manner was whipped away. It had not been established. I have spent many years and counselling to recognize what that did to affect my life choices, psychological life choices, mental stability, in the sense of I can do what I need to do.

When a role is confused for a child, they spend way too much time trying to figure out who they are, what they are trying to do, and they cease to be conquerors in their life and for their destiny, because they are confused at an early age.

I am glad there was a transgendered person here using the children as their personal soapbox. I would like you to imagine a transgendered person taking a child into their home. I would like you to imagine, as everybody else has also asked you to imagine, how do you explain that to a three-year-old? Well, daddy is a man, but he is really a woman inside, but he looks like a man on the outside. What is this doing to a child's mind? You are splitting their mind. It does not make sense. Do you know how a child thinks, that you would tender this bill without any kind of evaluation to the risk factor of their emotional growth?

Mr. Chairperson: Excuse me, Ms. Larsson, I apologize for interrupting, but you have got

about two minutes left. I would encourage you to reach your conclusions now. Thank you.

Ms. Larsson: Yes, I will. If this Government continues with this bill and this passage, you are unleashing an emotional hell on these children, and you will be held accountable in history.

Thank you very much.

Mr. Chairperson: Thank you for your presentation. The next presenter is John McCarron.

Mr. John McCarron (Private Citizen): Mr. Chairman, ladies and gentlemen, I just stepped off a plane about two or three days ago. I was in Ireland for a month, and I had not been there for 23 years. I picked up the documentation on the meeting only yesterday, and as a consequence, I was surprised that it was all happening so quickly.

However, having listened to varied people speaking before me tonight, I am speaking on my own behalf and on behalf of my wife and two children. Well, they are not children anymore; they are 27 and 23. Some people in Thompson who heard I was going to be here tonight, and some people in Cross Lake who heard I was going to be here tonight, and some people in Joy Smith's constituency, who heard I was away, coming tonight because they are away in Toronto and on holidays, and some people in southern Manitoba—and I had suggested to some of the people that I was talking to that Bill 34 is flawed from the natural light of reason, from the natural light of reason, which is a slightly different approach to the tack that we have heard from people who are coming from the far right and the far left.

By that I mean that everything, including everybody in this room and every piece of life on this earth, is subservient to the natural family. Regardless of the lifestyle, we are all subservient to the natural family. In other words, there had to be sperm and there had to be an egg, the embryo and the birth. Not one of us would not want to know who both our mother and father were. If we do not know, it is going to be a void and a lifelong search. History has shown us that, and it will show us that again.

* (22:50)

I am going to be very brief. I will tell you a little story, because I think there is a certain element of levity contained in family life. This gentleman had been out of his town for about 30 years. He arrived back and he was walking up the main street. He saw this lady coming toward him pushing a pram. As he got closer to her, he thought he recognized her. As he got closer and closer and closer, he said, I think I should know that lady. When he came very close to her, he said: I should recognize you, should I not? She said: Yes, you should. I am your mother. He said: Boy, you look fantastic. You look 30 years younger. What happened? She said: Well, that is the combination of stuff that you see on television from Sarah Ferguson and Jane Fonda and these wonderful youth drugs that they have. Then he looked into the pram and he said: What have we got here, a new baby brother? No, that is your father, he took an overdose.

So you see, Bill 34 is as flawed as the baby in that pram. It is that flawed, because it does not recognize the need for the child to know both a mother and a father. If that is not in there, you are denying that fundamental, basic human right from birth. The child has not been protected. One of the speakers before me spoke about this. It was all about my right, my right. What about the child's right? That is what the legislation is all about. There is where the uproar will come. It will come in a tidal wave.

Mr. Chairperson: Thank you for your presentation. The next presenter is Elena Blomquist. Please proceed when you are ready.

Ms. Elena Blomquist (Campaign Life Coalition): Good evening, I am Elena Blomquist. Thank you for giving me the opportunity to speak on behalf of Campaign Life Coalition on this issue.

The basic purpose of Bill 34 is to extend rights currently reserved for people living in committed, heterosexual relationships to individuals involved in supposedly equivalent homosexual relationships. If allowed to pass, Bill 34 could well lead to a redefinition of marriage, undermining the traditional

understanding of this unique institution as well as of family.

The fundamental basis of Bill 34 is flawed. That is, same-sex relationships are not equivalent to heterosexual relationships. This is not a question of treating homosexuals unfairly or unequally by restricting the definition of marriage and spouse. Rather, it is recognition of the unique capacity of heterosexual couples to procreate. This fundamental difference is not based on opinion but on fact. Legislation should reflect that fact. The biological reality is that infertility is the natural consequence of choosing the homosexual lifestyle.

Why make these distinctions? Because children have rights too. Children are entitled to a traditional family. They have the right to be nurtured by and connected to the people who came together to bring them into this world, their mother and father. They have the right to grow up in a stable environment, with a mother and father as role models.

Bill 34 proposes changes to The Adoption Act of Manitoba, which, if passed, would allow same-sex partners to jointly adopt children. Are we thinking of the rights of those children? They have the right to be placed in a family situation that most closely mirrors the natural family relationship that they should have had, under normal circumstances, with their biological parents. To place them in other situations robs them of something crucial.

I am not questioning the ability of homosexual so-called parents to love or to provide for children, but, by its very nature, the homosexual relationship cannot provide children their proper place in the human family. No matter how many laws are changed, the homosexual so-called family will always be an artificial construct, and the children raised in it will be the ones to suffer for it.

Studies conducted in Australia demonstrated that children from homosexual parents had considerably more problems with peer relationships and, in general, were more confused about gender.

This in reference to an Australian study by S. Sarantakos, "Children in three contexts: family educational and social development,"

Children Australia, 1996. Children of lesbian or male homosexual parents reported considerable problems from their peers with respect to their parents' homosexuality.

In reference to N. Wyers, "Homosexuality in the family: lesbian and gay spouses." *Social Work*, 1987 March and April. A study in the United States found that older boys from lesbian homes were significantly less confident about their popularity with other boys than were the sons of single heterosexual mothers.

In reference to R. Green, B. J. Mandel, M. Hotvedt, J. Gray and L. Smith's "Lesbian mothers and their children: a comparison with solo parents heterosexual mothers and their children." *Archives of Sexual Behavior*, 1986, there is also some evidence that children of lesbian mothers are more likely to have same-sex relationships as they grow up.

Most heterosexual parents and most lesbian mothers wish for their children to grow up to marry heterosexually and to have children, in reference to S. Javaid, "Children of homosexual and heterosexual mothers." *Child Psychiatry and Human Development*, 1993.

As previously stated, infertility is the natural consequence of choosing the homosexual lifestyle. Forcing children to be part of this lifestyle is unjust. If this were a truly just society, we would think of the children who are involved first. It is to society's best interest, too, as children are the future.

Please respect the place of children in the natural human family and recognize the unique role that heterosexual marriage plays in providing that place. Thank you.

* (23:00)

Mr. Chairperson: Thank you for your presentation. The next presenter is Walle Larsson. That name is dropped to the bottom of the list.

Next are Sharon Dornn and Carl Dornn. Those names are dropped to the bottom of the list. *[interjection]* Oh, they are here. I am sorry.

Ms. Sharon Dornn (Private Citizen): Good evening, ladies and gentlemen. I feel very

unorganized. I only found out about this two days ago, and I found out that I could actually speak a day ago.

I am Sharon Dorn of Farwell Bay in Winnipeg, and my MLA is Joy Smith. I would like to know why you, as the Government, have neglected to inform us, the citizens, of what your agendas are concerning the issues of Bill 34. We live in a democratic society and yet you seem to be making these crucial decisions behind our backs. So my question is: Why is this so hush-hush? I have talked to people on my street. They know nothing about this, and they are, as well, against this bill. I am really appalled that the Government has not really informed the public. It has not even been really on the media as well, as far as I know.

I am a very concerned citizen who, after having my first child almost one year ago now, has seen only some of the challenges of raising this child as well as his needs. Parenthood is not a game and it is not a hobby. It is the forming of a person that will one day have an influence on society. I am here because I am not in favour of this new bill.

I find it appalling that the NDP government would take these steps to allow a child to be adopted into people's lives who are of the same sex and people who simply have an agreement to live together. I do not think this is in the best interest of the children being adopted into such homes. Is it true, also, that there is no proper screening process for anyone who wants to adopt? Does this mean that pedophiles and transvestites can also adopt a child? This is my question. I just want to know. Let us use common sense.

What kind of impact will that play on the children being adopted and on society later on? They are our future, and that has been mentioned a lot tonight. Are you really for the best rights of the children? I am just wondering. If you are, then I also want to ask about the environment these children would be living in. HIV is a question I have. I know there is a high percentage of AIDS in the homosexual community, and that is proven in Canada, and AIDS, by a source from, I believe 1985 to 1998, was 76.5 percent in homosexuals. That is a high percentage.

We seem to be talking a lot about the safety and the protection of the children, and I am just asking you: Are you actually concerned? Are you considering these things? Are you condoning this as a safe environment to raise the children, in HIV-, possibly, inhabited homes where they learn that the lifestyle is safe?

I will read something that I just got from the Internet, because I really did not have too much knowledge of some of the studies. I was really trying to look, because there is not anything that I could really find. But studies do demonstrate that there is, in fact, a difference between non-heterosexual and heterosexual parenting, as was mentioned tonight. Children raised by non-heterosexual parents are placed at risk. They are more apt to experience gender and sexual confusion; they are more apt to become promiscuous; and they are at greater risk of losing a parent to AIDS, substance abuse or suicide. They suffer more depression and other emotional difficulties. They are also more likely to engage in same-sex behaviour. Furthermore, non-heterosexual couples are less stable than heterosexual couples in their relationships, and they are more likely to separate.

Research reveals that promiscuity is virtually the norm among male non-heterosexuals. Violence is substantially higher in non-heterosexual relationships. Listen to that. The list of risk factors continues.

Nature created male and female to be complementary to each other in myriad ways that enhance not only the couple's relationship, but the healthy and stable development of the children they produce. It is well known that fatherlessness is responsible for many of the ills of children in our society. You look at crime rates—where are the fathers? There are few bodies of research where the evidence is so clear. Children need both a mother and father. I understand that many are single parents, and I really respect—my heart goes out to them because it is difficult.

Why have you not taken into account the voice of Manitoba's children, which I heard tonight as well? I heard that it was they who selected the traditional family—male, father, and female, mother—in the National Election for the

Rights of Youth. These are our Manitoba children voting that.

So, with these changes to Bill 34, on paper, you not only, in a sense, void the desires and best interests of the children of Manitoba, and maybe eventually Canada, but you also put their futures at risk by allowing just anyone to adopt them. I want to challenge each one of you sitting here, who, like me, may or may not have children of your own, or maybe you even have grandchildren, that this is not a law to pass frivolously. Please consider the children first above all else, and please protect them. It is their lives and their well-being and their futures that we need to consider. Please start seeing this as a heart issue, not just politics, as one person said, not just—it is a decision that will save, maybe, your jobs. Do not look at it that way. Do not look at what people are going to think about you and your decisions and your stand.

I, together with a host of others I know of, will not support you in upcoming elections if you take this Bill 34 and amend it. I speak on behalf of many, and I regret the thousands of people who are not even informed of this amendment to the bill.

I want to read this. This is for the NDP to read, I guess. This NDP government, they should stand down Bill 34, go back to the drawing table and amend The Adoption Act to include one male and one female as the primary role models for the benefit of the children.

I thank you very much for listening.

Mr. Chairperson: Thank you for your presentation. The next presenter is Fred Cameron. Please proceed.

*(23:10)

Mr. Fred Cameron (Private Citizen): Mr. Chairman and committee members, my name is Fred Cameron, and I am a very concerned citizen. My presentation is directed to the Manitoba government concerning same-sex marriage and same-sex couples.

Canada has fallen to a great low when all levels of government have embraced the abnormal lifestyle of homosexuality. Homosexual

parades and homosexuals in all levels of government and now homosexual marriages. Can you all hear me?

"Gay" is much too beautiful a word to describe this abnormal lifestyle, and what pride can be attached to homosexuality? Sexual orientation is often thrown at the public to justify homosexuality. We are all oriented at birth, male or female, very, very rarely identified as a hermaphrodite. Have you ever heard of a doctor bringing a newborn baby to a mother and saying, congratulations, you have just given birth to a homosexual? The human male and female were created and equipped differently but have to be joined to perform the necessary functions of reproducing the human race. For this reason they will never become equal. Then there is the cry of love. There are many loves of flower, animal, brother, sister, mother, father, et cetera. In homosexuality, it seems the love of abnormal sexual actions seems to dominate. Even nature has to have opposites getting together to propagate their species. Have you ever heard of two bulls going to a remote area and then a year later come back with a calf that was produced by their own sexual interaction? More likely they would fight for the privilege of impregnating a cow.

In flowers, it is the male stamen and the female pistil that produce seeds for reproduction. In electricity, it takes joining the positive and negative to produce an electric current—again, opposites.

I love the homosexuals as people but do not love what they do and stand for. When everyone is homosexual, then the human race would die out. This is not how nature operates. After all, it took a male and female to bring homosexuals into the world. It looks like the homosexual community know they are wrong and want the public to think the abnormal homosexual lifestyle is really normal which would soothe their guilty consciences. It seems like homosexuality is an addiction, and there is help in our society for individuals to shed abnormal life if they want to. Many who have done this are now living normal lives with wife and family. Of course, some cannot or will not leave the lifestyle, and they are the ones who really push to make the public believe that homosexuality is normal.

Two homosexuals taking marriage vows and being recognized as being married by our governments and religions should not be legal. In a democracy, the voters should decide through a referendum.

Mr. Chairperson: Thank you for your presentation. *[interjection]* Oh, I am sorry. The next presenter is Martin Paul Opitz. Is Martin Paul Opitz here? Yes. For the benefit of committee members, there are three more walk-ins, including this one, and next is Sally Papsos and then Ken McGhie.

Please proceed, sir.

Mr. Martin Paul Opitz (Private Citizen) Good evening. Thank you for this opportunity. I just found out about this at 5:30 today, so I was totally unprepared with anything written down or anything like that, but by God's grace, I will speak what he would have me speak this evening.

I am very concerned about this legislation being passed. I have heard it said many times that we cannot or should not legislate morality. Having said that, the truth of the matter is there is a God who has set out His standards in his book, which is called the Bible. I am not here to judge anyone, condemn anyone, but the fact of the matter is He has made it quite clear in His book what is acceptable behaviour and what is not acceptable behaviour, and that is because He loves us, because He made us in his image and His likeness and He knows what is best for us. So He clearly pointed out in His word in the Bible, if you do these things, you will be blessed. If you do not do these things, you will not be blessed. Because if you do the things that are written in his word that he says not to do—and clearly in the Bible homosexuality is clearly, clearly identified in the Bible as being a sin. Jesus died for our sins. Remember that. If we repent of our sins and give God the glory and put our faith in His son, Jesus, and trust Him to be our Lord and saviour, our sins will be forgiven, but that is the thing we have to do. We have to acknowledge that we are sinners and ask Him for forgiveness. If we do not, we face His wrath upon this earth.

Do you understand that? There is a living God who will bring His wrath and judgment.

Can you hear me? Okay. There is a true and living God, the God of Abraham, Isaac, Jacob and Israel, who will bring His wrath and judgment upon this world in love. Do you understand? He is going to bring that in love, because if you are not going to respond to: For God so loved the world that He gave his only begotten son, Jesus, that whosoever would believe in Him would not perish but have everlasting life, then that is not God's fault. You are bringing that on yourself.

Do you understand that judgment will come against this province, against this city and against this Government and against this country if we continue to pass these laws? Do you understand that? I am saying that with all the love I can muster in my heart, with all the love I can muster in my heart. There is a real God who will bring judgment. Do you think the West Nile virus, do you think the cows with TB is just coincidence? The Bible talks about these things. Do you realize that? The Bible talks about what it would be like before Jesus comes, and this is just the beginning. Do you understand Jesus is coming soon, and whosoever, whosoever would call upon His name could and would be saved?

My eternal destiny, I deserve to go to hell. I am a sinner who has fallen in sin, short of God's glory, incredibly so in my life. I can hardly believe it that He was willing to draw me unto Himself and to say that if I put my faith in Him, I could be in His kingdom in paradise, and not only that, but reign with Him in His kingdom forever. That is incredible, and for anybody not to want to at least give that a thought, you are leaving God with no option but to bring judgment and condemnation. Do you understand that? There will be judgment brought against this Government and this city and this province and this country for what you are going to do, for what you have done already and what you are going to do. Please consider what you are doing. Look into your hearts and consider what you are doing.

I remember I was working at an elementary school in The Maples when Mr. Murray, our Mayor, was elected, and this is just to give you an idea. You think kids do not know what is going on? Because it was very hush, hush about his particular lifestyle until he got elected, and then it was a big issue. But these are

kindergarten to Grade 6s, and they said to me, Mr. O, how could our parents have elected a homosexual to be our mayor? These are little kids. These are little five-, six-, seven-, eight-, nine-, ten-, eleven-year-old children. Do you understand? They know what is right and what is wrong, but we are teaching them in our schools a whole different morality, if you will. I have had to sit and listen to these family life programs the last years in our school, and I am sick of what I hear.

If you are going to promote this thing and say that homosexuality is fine and right and there is no problem with it, then if you love these children, you need to give them the other side of that and say do you realize that the Bible says—and also all three major religions of the world condemn homosexuality as a sinful behaviour or unacceptable, Judaism, Christianity and Islam. I am not here to promote any of those, Islam or Judaism, but the fact is that is a fact. So these are not just Christians who are upset.

The Bible says that we should pray for our elected leaders, and I have been doing that. I have been walking around the Legislative Building, and I have met some of the MLAs in doing that. If you would allow me the privilege to do that, I would like to do that for you right now, right here at this place, if I could pray for you. If there are no objections, it would be an honour to do that for you, as well as you pray, everyone here and everyone in the Manitoba government, the MLAs, the Premier and everyone who has or will come into this place, who was in this place and will come into this place and who is here right now and all of you here, you precious people, because God does love you. He really does, and I want him to reveal that love to you, and that is what I am going to pray for. If you would allow me that honour, it would be a privilege.

Lord, I bow my knee to the God and father of our Lord Jesus Christ from whom all the families in heaven and earth is named, and God, I pray that you granted these precious people according to the riches of your glory, all those people in this place now or have or will come in here, grant them all according to the riches of your glory, Father. May they be strengthened with might through your spirit in their inner man, in their spirit, soul, mind and heart.

* (23:20)

Oh God, I pray, may Jesus Christ surely draw within all their hearts through faith. Oh God, I pray, may they truly be routed and grounded in love, in you, God, who are love. May they truly be able to comprehend, Father, with all the saints, the width, the length, the depth and the height, and may they truly know the love of Christ which passes knowledge. Father, I pray that they would all be filled with all the fullness of you, God, I pray. And I thank you, Father. I thank you, Father, that you who was able to do this and exceedingly, abundantly, above all that we could ever ask or think or pray according to the power that works in us. To you, God, we yell glory in the church by Christ Jesus through all generations for ever and ever. Amen.

I have some more time left, so I will keep going. I really hope that you really consider this, and that these things that are going on in our province right now as far as the mosquitoes—this is very serious, this is not a joke—this is really a warning from God and we have got planes dropping out of the sky in this city.

Do you understand that the day, I cannot remember what day it was, it was a Sunday, anyway, the day that they had the Gay Pride Day in Winnipeg. It was a Sunday. It was not a very nice day that day, but as far as I understand, I could be wrong, I believe that was the first time that the Manitoba government had declared Gay Pride Day. I could be wrong, someone could correct me, but from what I understand that was the first time that it happened. That was not the gay community, that was the Manitoba government itself. Did you realize that the very next day that we had a serious flood problem in Manitoba, that there were a lot of cities and towns that were flooded out completely the very next day? Do you realize that? And we had a massive flood in Winnipeg that day, the very next day after this was declared. Do you think that was coincidence?

Mr. Vice-Chairperson, in the Chair

I really hope you think about this. I really hope you do, because you know what the Bible says. It says that every knee is going to bow and every tongue is going to confess that Jesus is

Lord. You may laugh and smirk now but when he cracks through the sky with lightning from east to west coming on the power and glory of God with the holy angels of the clouds of heaven with all the power and authority of God almighty who Jesus is, you will not be smiling and laughing then, I can assure you.

He is going to come and you are going to bow and you are going to confess either as judge or as saviour. That is not my opinion. My opinion or your opinion does not really matter to anyone. That is the truth. And I pray for your souls. I pray for your souls that when He comes you will bow and confess as saviour, not as judge because do you realize there is a place reserved for those who refuse to accept Him. Do you understand that? And God alone has the authority to take people's lives and also to commit them body and soul into the eternal fire of the unquenchable fires of hell forever.

Do you understand that? This is very serious that you are playing with here. This is God Almighty. He put it clear in His word what was acceptable and what was not acceptable. You have an opportunity to respond to His grace at this time. We are under a period of grace. Do you understand? But His grace is running out. What is happening right now, you are not being struck down with thunder and lightning yet. But do you understand the Bible says He is storing up wrath for the day of judgment and doom and wrath.

I do not want to be a pessimist here. I want to see you all in His Kingdom. By the grace of God I can be there. My sinful, wicked, evil condition that I was in and would be in without Christ in my heart. I can be in his kingdom and reign. I know Jean Chrétien and George Bush are not calling me to be a part of their government, and neither is Gary Doer or Glen Murray but Jesus Christ, the God of gods, the king of kings, the Lord of lords, the only God and saviour, said I could be in His kingdom and reign with Him if I would put my trust in Him. I would be a great fool not to. I would be the greatest fool not to, and you want to know that same offer is open to you today. That same offer is open to you today.

So do you understand there is only one God, there is only one way, there is only one saviour?

I do not make these rules up. I lived for 33 years of my life as if this was not real. But He made it very clear to me when I was in the midst of sin and in the midst of choices that were not leading me to heaven, that is for sure, that He loved me and that He revealed the fullness of it. With that prayer I prayed for you today that He would reveal the fullness of his love to you because that is what I prayed, the width, the length, the depth and the height and the love of Christ. I can assure you when He does that, nothing else will matter in this world. Even your life will not matter when you have the width, the length, the depth and the height and the love of Christ which passes all knowledge.

I just read a thing in the paper the other day about, I do not watch TV, but there is apparently a show called *Sex and the City*. I have heard of it, but there was an actress who plays, I do not even know her name. Anyway, I was reading in *The Winnipeg Sun* or *Free Press*, one of them. She has a five-year-old daughter. They are having another baby, and they are not married right now. It is a male and a female, but they are not married. This just goes to show you how perceptive children are. I understand her little five-year-old daughter has been bugging her mother to get married. Her little five-year-old daughter in kindergarten has been bothering her mother saying, Mom, you and Dad need to be married. You should not be living like this. Do you understand this? Five-year-olds know. Those kids in that school knew that there was something wrong.

I am not here to condemn or judge anyone. But those little kids at that school I was working at, I did not say anything to them. I never said a word. They came to me and said, Mr. O, did our parents really elect a gay mayor in this city? How could they have? I said, you should go ask your mother and father why they did. That is all I said. They instantly knew that something was wrong.

I do not know if I should even use this example. I am going to sound so condemning and judging, but I just want to show you where the root, the spirit behind things come. There is a lesbian couple in the States who are both deaf. You may have heard about this. It was in the *Free Press*. It was an article about it. They wanted their children to be deaf as well to experience life like they experienced it. This is a

true story, because it was in the *Free Press*. The *Free Press* would not lie, would it? They were artificially inseminated with the genes of a deaf man to ensure the best possibility that their children would be deaf. Guess what? The girl was and now the little boy that they just had is born deaf as well.

Do you see the spirit behind things when you do not do things according to God's commands? You see what happens? All hell breaks loose, literally. Would you want that to happen to your niece or nephew or your next-door neighbour, something imposed like that? If that happens, there is nothing you can do about it. God makes decisions like that at times. We can certainly pray for healing. I believe that God can heal, raise the dead. But to impose something on a little child like that? That is the root and spirit we are talking about here. There is a holy spirit which lives inside those who believe truly in Christ, and there is an evil spirit. There really is a devil and a Satan. He is really behind all of this.

I am not against the homosexual community. For 17 years of my life, when I stopped Glen Murray and talked to him on the street like this, I only had a few minutes, so I really had to hit him with it, but because I love him, that is why I did. Because I love him, I do not want him to go to eternity without Jesus. I do not want him to be in hell, I do not. I do not want anybody. I understand there is a Satanic battle going on here. That is why I prayed that Christ would push through, by His holy spirit, through all the spiritual battles that are going on in your lives and the people's lives that have and will come into this place that they can recognize the truth of this before it is too late. You understand there will be a time when it is too late. Do you understand? We are heading to that time.

Christ is coming soon to return. The key is Jerusalem. When you see what is going on in Jerusalem, you know He is coming. He is the king of Jews, the first king of the Jews, first and foremost, do you understand that? When you see what is going on, we know the end is near. So please consider what you are doing before it is too late. God bless you. I mean that. God bless you.

Mr. Vice-Chairperson: Thank you very much. Sally Papsó. Is Sally Papsó in the audience? Ken

McGhie. Do you have any paper presentation? You can go ahead, sir.

Mr. Ken McGhie (Private Citizen): Thank you. I come as a concerned citizen. I also just found out about this today. I was here earlier tonight but I had another engagement. I just came back a little while ago, and found out that I could speak. I am glad I can. I love Winnipeg. I love Manitoba. I love Canada. I am just so angry about this foolishness.

About a month and a half ago, Gord Mackintosh was quoted in the *Winnipeg Free Press* as saying he is going to push this bill through because he thinks there is no opposition. It is going to be no problem. Man, he should be in jail. I have the article. I will fax it to you tomorrow. Which one is Gord Mackintosh? Is he here today? Can you identify him? You need some jail time yourself, man, I am telling you. You are criminally wrong in thinking that there would be no opposition to this thing. You know, Manitobans have had enough homo promo; we have had enough. Glen Murray came on to be mayor, he said he would not promote his homosexuality. We have had nothing but homo promo. It is not from God, it is against family, it is against country, it is against us, it is against Manitoba, it is against Winnipeg. When are you going to get it through your head? Do not be offended. Listen to me. I am a taxpayer. And I read your article. You are the one that stated that in the *Winnipeg Free Press*, that there would be no problem, that this thing is going to go through, no problem. That is what you stated, that is what you prophesied. Maybe you have already got an agenda, it does not matter what these people are saying tonight.

* (23:30)

Mr. Chairperson in the Chair

Mr. Gord Mackintosh, can I get you to look at me? I am talking to you. You said in the paper that there would be no problem. Have you got an agenda already that you are going to push this thing through? I hope not, because 85 percent of Winnipeggers, on a very loose comment, said they did not want the gay flag that was pushed through. They do not want anymore homo promo.

Manitobans are saying we do not want it. Canadians saying they do not want it. Real

Canadians. Real Manitobans. People that have families and children. But if you are playing a deaf ear in this thing, if you are not being responsible, you need to go to jail because you are selling us short. You are not earning your paycheque. You really are not. You should be locked up. If I ripped off my boss by only putting in a part day and not doing my job, you go to jail.

We are tired of this mess. There is hope and help for the homo, do not get me wrong. God says He loves the homosexual, it is the homosexuality He hates, He detests. Why should you try and promote it? That is what you are trying to promote in this thing. We have had enough.

We have been lied to. Glen Murray has lied to us like crazy. How did Glen Murray come into power? Everybody is asking this. I have heard it mentioned here a couple times tonight. He was pushed through by a union vote. Love of money. Okay? Let us call a fact here. The NDP, they are running high on this thing. But you know what? We are going to blow this thing in the media, we are going to push. We have had enough.

You obviously do not care. I mean, your comment a month ago was: There is going to be no problem. You are going to push this thing through. Your comments are totally wrong in this thing, as I said. I do not mean to be just rambling here, but it seems like the homosexuals of this country, and of this province, of this city, have got an agenda to make this sodomite central. Okay? There is a plan here. Do not kid yourself. San Francisco might be sodomite city in the States, but they are planning to make Winnipeg sodomite central of Canada. We do not want that. It is not acceptable. These are just words. But hopefully they will register in your mind and in your heart. We have had enough. People are going to be angry about this thing.

I will fax you that *Free Press* article where you assumed that there was going to be no problem in this thing. Your assumption is that nobody is saying anything; you and Mr. Sale have said that there is going to be no problem, that there is no opposition. Man, you need to wake up and smell the coffee. Come out of the

jail cell of ignorance and take note, tonight, that people do not want, caring Manitobans, tax-paying Manitobans, do not want this. Do you need to have that pillar fall on you? Take note tonight, we have had enough. And this bill that is being tendered, maybe your resignation should be tendered for all this foolishness. Thank you very much.

Mr. Chairperson: There is one more presenter that was registered as part of a dual presentation, but now wants to present on his own, and that is Carl Dornn. But we need leave of the committee to allow this presentation. Is there leave?
[Agreed]

Mr. Carl Dornn?

Mr. Carl Dornn (Private Citizen): Excuse me for my attire, I just got off the plane, I came from Toronto on business. I own a business here in Winnipeg. I am very concerned, I am a concerned citizen of Winnipeg, on this bill. My biggest concern is the rights of the children. Have they been taken into account? I do not think enough study has been put into this. I think that we really have not looked at what is going to happen to the kids here, and we need to look into that a lot more rather than pushing a bill through really quickly. I would really encourage you that we need to look at this. We need to look at it a lot longer and a lot harder and what effect it is going to have on us and our society. I think it is very important, and it should not be rushed through like this, not a chance. So, really, I am asking you to take a good look at it. Thank you.

Mr. Chairperson: Thank you for your presentation. There are a number of names that were called once. They are now going to be called the second time and be given a second opportunity to present. If they are still not here, they will then have lost their opportunity to present. The names are as follows: Carol Hartman, Dawn-Lee Piche, Nadine Gilroy and Lorri Millan, Asher Webb, Brad Tyler-West, John Millward, Grant Fleming, Kendra Foster and Kegan McFadden, Sherri McConnell, Elizabeth Steindel, Jean Chorneychuk, Walle Larsson, Sally Pappo.

That concludes the public presentations. Is there anyone else in the audience that wishes to make a presentation?

Mr. Jim Rondeau (Assiniboia): I move that we take a 10- to 15-minute recess so that we can finish the work of the committee.

Mr. Chairperson: It has been suggested that we recess for 15 minutes before we go to clause-by-clause. Is that agreed? [*Agreed*] We will be back at approximately ten to.

The committee recessed at 11:37 p.m.

The committee resumed at 11:53 p.m.

Mr. Chairperson: The Committee on Law Amendments will please come to order. Does the minister responsible for Bill 34 have an opening statement? No. Does the critic for the Official Opposition have an opening statement?

Mrs. Smith: Yes, I do have a statement. There are some serious questions that came up this evening. There are some considerations that the public has come forward with.

Number 1, a number of presenters said that it was the middle of summer, that a lot of people did not know what was going on. One presenter pointed out there are 1200 cases and only seven full-time staff from Child and Family Services. There was another issue, lack of knowledge about long-term effect, another concern about the Child Advocate being on vacation.

So it is our recommendation that the Government consider holding the bill tonight and coming back with the answers to these questions so we would not have to do the passing of lines tonight. I think it would be a disservice.

There was also an amendment that was brought forward that I think, out of respect for the public, should be looked at and considered very seriously. Have some time to do that, to take a look at these questions that came up tonight from the public, the issue of the best interests of the child. There were some very legitimate kinds of things. There are some things in the bill as well about the minimum term of relationship: six months, three years, one year, five years, whatever.

These questions, I think, would be in the best interests of the children to have some answers done and the passing of lines done at another time. So, if the members opposite, the Government, would consider this, this is something that we would recommend.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Just in terms of the development of the bill, of course notice was given that there would likely be introduced in the session legislation following on the report of the panel. I think the panel was appointed in July or August of last year.

Then we did report on the panel's interim recommendations on adoption because of the pending court case. That was in December, I think, and we had at that time firmly committed then to bring in the legislation in the session. Then the panel reports were released publicly in, I think it would be—I might have it here—the panel reports were released in, I think, the spring or the late winter of this year, and then the bill was finally introduced.

Actually, strangely, around this legislation, I think we have had more press conferences and releases, you know how things went on from Bill 41 on. Then the bill was introduced almost two months ago, well, it would be about seven weeks ago. So that is the history of that. I will turn the other answers over to Mr. Sale. I think they really are more related to his area of jurisdiction.

Mr. Sale: Staff from the children's directorate, the director of child welfare, Mr. Schellenberg, who is with me here, and staff of our department have been deeply involved in this for many, many months, in fact for more than a year.

I think that those in the child welfare system have been working with the issues of same-sex adoptions for at least 10 years. The changes that began in the late-eighties and mid-eighties in terms of foster families and same-sex adoptions are hardly new to any child welfare worker. They have been around for a long time. Members who were elected in previous elections, particularly the member from River East, who was the former minister, will be well

aware that same-sex couples were adopting, and the only impediment was that both partners could not be named as the parent. But this has been an issue for many years now, so it is hardly news.

* (24:00)

So the notion somehow that some people in our system were not aware of this really does not stand up to any reasonable test. If there are questions that we are unable to answer I would certainly undertake to have those answers for report stage and for any other time when the members would like to have that information. But I really do not believe that there is anything new tonight in terms of issues. There was a great deal of erroneous information. I do not blame people for not being fully informed on complex regulations that cover many pages of regulations that cover adoption itself.

As the former minister knows and as other members may know, there are a number of different divisions, which is really a fancy word for a number of different kinds of adoption. I think that is one of the sources of confusion, because some of the regulations and amendments which cover some kinds of adoptions are needed. In fact, what they mostly do is strengthen the procedures of protection. I think the member from Fort Garry probably knows that: that the new act actually strengthens protections for children. That I think is obviously desirable.

So my view, Mr. Chair, would be that we have taken a long time and a lot of careful and thoughtful work to get to this stage. I think we are quite ready to answer any questions that people might have. I would certainly undertake to provide answers for anything that we can answer tonight, but frankly I will be surprised if there are things.

Mr. Chairperson: I have Mr. Laurendeau and Mrs. Smith, Fort Garry.

Mr. Laurendeau: We have been here since seven o'clock this evening. We have had a number of presenters, as you can see by the presentations that are before us here. We also

have some that we would like to have some serious thought around.

I would really appreciate if the Government could see through this to give us a little bit more time to do some careful review of some of the questions that were brought forward this evening and have a careful discussion as a caucus on some of the issues that came forward. I think on such an important matter we have had some very heartfelt presentations tonight. People spoke from the heart and people are speaking from their faiths and their religions and in their faith in who we are as a government, really.

I think that we, in all fairness, should take a little bit of time, not in the darkness of the hour after twelve o'clock at night after sitting here since seven o'clock at night. I do not think that is a fair way for us as legislators to be making law. We are not making sausage here, where we just throw something in and pray that something right comes out at the other end. We are passing law that will be on the books for many years to come. I think, by taking some considerate time in reviewing the positions that have been brought forward tonight, I do not think waiting one extra day will hurt anybody. I think it will be beneficial, and possibly we can come up with some of the answers to some of the questions that were posed this evening. I do not think I am satisfied with the answers that I have received so far, and I would like to just give it that little bit more time so that we could give it a proper review.

I am hoping that the minister could see his way clear on this. Just give us that little bit of time that we are requesting.

Mrs. Smith: There is one more thing that personally I had not thought of. As you know, this year, we have had a new rise in a new kind of crime which is the Internet crime with cyberspace. One presenter pointed out there was no provision for convicted felons to disclose criminal convictions or charges at any time during the adoption qualification process. So that is something perhaps we could look at.

I concur with my colleague Mr. Laurendeau, that if we could just have some more time and not pass the lines tonight. As was explained, we

need a little bit more time for greater care and study and public input in some respects.

Mr. Chairperson: Is it the will of the committee to recess for five minutes? *[Agreed]*

The committee recessed at 12:04 a.m.

The committee resumed at 12:11 a.m.

Mr. Chairperson: The Committee on Law Amendments will please come to order.

Mrs. Mitchelson: At the outset I would like to say thanks to all of those who presented and made their views known. There were some very impassioned comments put on the record by many in the room tonight. I appreciate the differing points of view that were raised and brought forward.

I know that the Minister of Family Services (Mr. Sale) has indicated that I was the Minister of Family Services and was aware of what the legislation included. Yes, there were significant changes and amendments made to The Child and Family Services Act, including adoption, and changes to allow for more private adoptions in the province of Manitoba, and I think that has worked very well. But this specific amendment was not considered and not brought forward by our Government, and I felt that I had to put that on the record in response to the Minister of Family Services.

I believe that there were some very legitimate questions that were asked tonight and some comments made, and many of the presentations did talk about children first and putting children first. I certainly have no argument with choices that people make around their own personal activities. I do not condemn or condone. I am very open to people's specific choices, but I believe that there were some legitimate questions asked about the best interests of children, and I am not sure that the answers that could be provided would satisfy me.

The questions around committee discussion in the middle of the summer are questions that certainly were legitimate, and I know that I am

not sure that I would anticipate or except that the Children's Advocate would make representation, but I would be interested sort of in whether there has been any analysis done by the Children's Advocate on the best interests of the children.

I do believe that there were legitimate questions answered, and I am not sure that any answers that could be given today by the Government would satisfy the concerns that were raised. Anyway, with those comments, I will just indicate that I appreciated hearing the comments that were made tonight, and I know that the Government, I believe, would like to proceed line by line on this legislation tonight.

Mr. Chairperson: We thank the members. During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Shall clauses 1(1) and 1(2) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(1) and 1(2), please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(1) and 1(2) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(3) to 1(8) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(3) to 1(8), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(3) to 1(8) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(9) to 1(14) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(9) to 1(14), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(9) to 1(14) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(15) to 1(22) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(15) to 1(22), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(15) to 1(22) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(23) to 1(28) pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(23) to 1(28), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(23) to 1(28) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(29) to 1(32) pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(29) to 1(32), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(29) to 1(32) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(33) to 1(37) pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(33) to 1(37), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

* (00:20)

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(33) to 1(37) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 1(38) and 1(39) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(38) and 1(39), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(38) and 1(39) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 1(40) to 1(46) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(40) to 1(46), please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion the Yeas have it. On division. Clauses 1(40) to 1(46) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(47) to 1(53) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(47) to 1(53), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 1(47) to 1(53) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 1(54) to 2(3) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 1(54) to 2(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 1(54) to 2(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 3(1) to 3(3) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 3(1) to 3(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 3(1) to 3(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 4(1) to 5(3) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of passing clauses 4(1) to 5(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: Clauses 4(1) to 5(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 6(1) to 7(1) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 6(1) to 7(1), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 6(1) to 7(1) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 7(2) to 7(4) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 7(2) to 7(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 7(2) to 7(4) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 7(5) and 7(6) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 7(5) and 7(6), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 7(5) and 7(6) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 8(1) to 9(3) pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 8(1) to 9(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 8(1) to 9(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 9(4) to 10(3) pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 9(4) to 10(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 9(4) to 10(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 10(4) to 10(6) pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 10(4) to 10(6), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division. Clauses 10(4) to 10(6) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 11(1) to 12 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 11(1) to 12, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

An Honourable Member: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 11(1) to 12—pass.

* * *

Mr. Chairperson: Shall clauses 13(1) to 13(6) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 13(1) to 13(6), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 13(1) to 13(6)—pass.

* * *

Mr. Chairperson: Shall clauses 14(1) to 15(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 14(1) to 15(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 14(1) to 15(2)—pass.

* * *

Mr. Chairperson: Shall clauses 15(3) to 15(7) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 15(3) to 15(7), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 15(3) to 15(7)—pass.

* * *

Mr. Chairperson: Shall clauses 16(1) to 17(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 16(1) to 17(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Mr. Laurendeau: On division.

Mr. Chairperson: On division.

Clauses 16(1) to 17(2)—pass.

* * *

Mr. Chairperson: Shall clauses 17(3) to 18(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 17(3) to 18(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 17(3) to 18(2)—pass.

* * *

Mr. Chairperson: Shall Clauses 18(3) to 21 pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 18(3) to 21, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 18(3) to 21—pass.

* * *

Mr. Chairperson: Shall clauses 22(1) to 22(4) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 22(1) to 22(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 22(1) to 22(4)—pass.

* * *

Mr. Chairperson: Shall clauses 23(1) to 24(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 23(1) to 24(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 23(1) to 24(2)—pass.

* * *

Mr. Chairperson: Shall clauses 24(3) to 26(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 24(3) to 26(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 24(3) to 26(2)—passed.

* * *

Mr. Chairperson: Shall clauses 26(3) to 27(4) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 26(3) to 27(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 26(3) to 27(4)—pass.

* * *

Mr. Chairperson: Shall clauses 28(1) to 29(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 28(1) to 29(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 28(1) to 29(2)—pass.

* * *

Mr. Chairperson: Shall clauses 29(3) to 30(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 29(3) to 30(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 29(3) to 30(2) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 30(3) to 30(5) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 30(3) to 30(5), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 30(3) to 30(5) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 30(6) to 32 pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 30(6) to 32, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 30(6) to 32 are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 33(1) to 34 pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 33(1) to 34, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 33(1) to 34 are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 35(1) to 35(4) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 35(1) to 35(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 35(1) to 35(4) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 36(1) to 37 pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 36(1) to 37, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division.

Clauses 36(1) to 37 are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 38(1) to 38(3) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 38(1) to 38(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 38(1) to 38(3) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 39(1) to 40(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 39(1) to 40(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 39(1) to 40(2) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 40(3) to 41(2) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 40(3) to 41(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Some Honourable Members: On division.

Mr. Chairperson: On division.

Clauses 40(3) to 41(2) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 41(3) to 41(6) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 41(3) to 41(6), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 41(3) to 41(6) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 41(7) to 42(4) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 41(7) to 42(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 41(7) to 42(4) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 43 to 44(3) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 43 to 44(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division.

Clauses 43 to 44(3) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 45(1) to 45(5) pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing 45(1) to 45(5), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 45(1) to 45(5) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 46(1) to 46(6) pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 46(1) to 46(6), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 46(1) to 46(6) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 46(7) to 48(1) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.**Voice Vote**

Mr. Chairperson: All those in favour of passing clauses 46(7) to 48(1), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 46(7) to 48(1) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 48(2) and 48(3) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 48(2) and 48(3), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 48(2) and 48(3) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 49 to 50(4) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 49 to 50(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 49 to 50(4) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 50(5) to 50(10) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 50(5) to 50(10), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 50(5) to 50(10) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 50(11) to 50(18) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 50(11) to 50(18), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 50(11) to 50(18) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 50(19) to 50(27) pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 50(19) to 50(27), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 50(19) to 50(27) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 50(28) to 50(33) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 50(28) to 50(33), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 50(28) to 50(33) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 51 to 53(2) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 51 to 53(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 51 to 53(2) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 53(3) to 53(5) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 53(3) to 53(5), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 53(3) to 53(5) are accordingly passed, on division.

* * *

Mr. Chairperson: Shall clauses 54(1) to 54(4) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 54(1) to 54(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 54(1) to 54(4).

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 54(1) to 54(4), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 54(1) to 54(4) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 54(5) to 55(2) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 54(5) to 55(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 54(5) to 55(2) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 55(3) to 55(7) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 55(3) to 55(7), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. Clauses 55(3) to 55(7) are accordingly passed on division.

* * *

Mr. Chairperson: Shall clauses 56(1) to 57(2) pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing clauses 56(1) to 57(2), say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Formal Vote

An Honourable Member: Count-out vote, Mr. Chair.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

Mr. Chairperson: Clauses 56(1) to 57(2) are accordingly passed on a recorded vote.

* * *

Mr. Chairperson: Shall the table of contents pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing the table of contents, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed to passing the table of contents, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. The table of contents is accordingly passed on division.

* * *

Mr. Chairperson: Shall the enacting clause pass?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Chairperson: All those in favour of passing the enacting clause, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. The enacting clause is accordingly passed on division.

* * *

Mr. Chairperson: Shall the title pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of passing the title, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed to passing the title, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

An Honourable Member: On division.

Mr. Chairperson: On division. The title is accordingly passed on division.

Shall the bill be reported?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour of reporting the bill, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed to reporting the bill, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Formal Vote

Mr. Marcel Laurendeau (Official Opposition House Leader): On a count-out vote, Mr. Chair.

Mr. Chairperson: A count-out vote has been requested.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

Mr. Chairperson: The bill is accordingly reported on a recorded vote.

What is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:41 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 34—The Charter Compliance Act

Date: July 23, 2002

It is of concern to me that our society has brought the simplest unit of "family" into such a state that we would like to call it "b) the marriage certificate of married applicants, the prescribed declaration of commitment of applicants who are common-law partners, or the prescribed declaration of commitment to the child of applicants who are neither married to each other nor common-law partners;" in The Charter Compliance Act.

I believe that an adopted child deserves the BEST start in a family with a father, and a mother. If we open the status of "family" to

include anyone who has declared commitment to one another we are asking for some rather odd combinations. I can foresee such ridiculous occasions as 4 men, and 7 women living in the same residence and calling themselves "married". It can get as ridiculous as 8 women all calling themselves the child's mother because they have decided that they fulfill the requirement of having a mutual commitment. How many strange variations are possible if we amend the wording of this act?

Is not the basic unit of society under enough attack? We need to defend, and protect the whole concept of family rather than to bend with the strain of modern problems, and try to adapt to the ills of society.

It has been proven through many studies that children need both an active loving relationship with their mother, and their father to develop in a healthy way. Children receive their primary role modeling, and gender identity through interaction with both a mother and a father. We are seeing these results of the breakdown of the nuclear family in our world today.

Sara McLanahan, a Princeton sociologist, sums it up in her essay in "Lost Fathers" (1998): "Even after controlling for factors such as race, and socio-economic status, children who grow up apart from their biological fathers are disadvantaged across a broad array of outcomes. They are twice as likely to drop out of high school, 2.5 times as likely to become teen mothers, and 1.4 times as likely to be idle-out of school, and out of work—as are children who grow up with both parents. Children in one-parent families also have lower grade-point averages, lower college aspirations, and poorer attendance records. As adults, they have higher rates of divorce."

It is a sad thing that we have allowed the term "family" to incorporate anyone who likes one another, and lives under the same roof!

"Something is seriously and deeply wrong with a society that has lost its ability to foster stable environments—especially two parent families with married biological parents—within which children are loved, and protected. The

barometer of this failing is a vicious one: the increasing abuse of children, and the related increase in violent crime." (The Heritage Foundation: "Child Abuse Crisis", June 3, 1997)

I would urge this committee to reject this amendment to allow people with mutual commitment to adopt, and to maintain the definition of a family to include both a father and a mother for the potential adopted child.

Yours sincerely,

Mrs. Mireille Clark

* * *

Dear Madam or Sir:

We are writing to express our support of Bill 34. We feel that the rights afforded to married couples should extend to same-sex couples, otherwise we continue to live in an inequitable society.

Bill 34 is in keeping with our religious beliefs and practices. We support it.

Sincerely,

Maggie Wasyliw
Doug Wasyliw

* * *

Honourable Members:

I am pleased to write on behalf of the Manitoba Association for Rights and Liberties with respect to Bill 34, The Charter Compliance Act. It is important in a forum such as this not only to criticise what is in a Bill, but to support legislation containing positive changes.

MARL is encouraged to see the Province moving towards equality for all of its citizens, irrespective of their marital status or sexual orientation. In general, MARL supports the changes outlined in this Bill. However, there is still work to be done in this area, and MARL looks forward to the opportunity and privilege to address this Honourable Committee in the future concerning Bill 53.

Yours truly,

Ken Mandzuik
President
Manitoba Association for Rights and Liberties