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To Liz Sandals, Minister of Education
Ministry of Education
22nd Floor, Mowat Block
900 Bay Street
Toronto, Ontario M7A 1L2
By email: lsandals.mpp@liberal.ola.org

December 10, 2015

RE: Immunization of School Pupils Act and the Statement of Conscience or Religious Belief Affidavit 4897-64E (2013/08)

Dear MPP Liz Sandals, Minister of Education,

It has been brought to the attention of Vaccine Choice Canada, that you have taken a “personal stand” to not witness your constituents’ signatures nor take their oaths or affirmations on the Government of Ontario issued *Affidavits of Personal Conscience or Religious Belief Exemption* to the requirements of Ontario’s *Immunization of School Pupils Act*.

This is particularly concerning since this Act falls into your portfolio. Your duty as an MPP and specifically as the Minister of Education is to enforce the Act in its entirety, not just the portions of the act with which you “personally” agree.

We would like to draw your attention to the website of the Ontario Commissioner of Integrity where it is stated:

- 1) Members are expected to act with integrity and **impartiality** that will bear the closest scrutiny.
- 2) A conflict of interest arises when an MPP allows their private interests to interfere with their ability to properly perform their duties of public office.

Whether you personally disagree with the portion of the Act that establishes your constituents’ rights to religious or personal belief exemptions from vaccination is really not germane to your duties as a public official. The Act is the law, which you are duty-bound to uphold. Also to be clear, you are not granting an exemption to the Act by witnessing this government form in your role as a Commissioner for Taking Affidavits (or Oaths). The exemption has been granted by the Act itself.

Your duties as a Commissioner for Taking Affidavits do not in any way entail your personal agreement with or judgment of the contents of any affidavit. As the Attorney General of Ontario’s website states: “A commissioner for taking affidavits is a person who can legally administer an oath, affirmation or declaration, for example, to a person making an affidavit,” a right you are granted by virtue of your holding public office.

The Service Ontario website <https://www.services.gov.on.ca/locations/serviceDetails.do?id=12620> is more specific about the duties of Commissioners of Oaths when it states [emphasis ours]:

A Commissioner of Oaths is a person authorized to take your oath or solemn affirmation when you sign an affidavit or a statutory declaration. **A Commissioner does not certify that the statements being made in the affidavit or statutory declaration are true**, but only certifies that an oath or solemn affirmation has been administered properly.

Section 9 (titled Duty of commissioner, etc. in administration of oath) of the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17 <http://www.ontario.ca/laws/statute/90c17> makes clear that you are only witnessing a signature [emphasis ours]:

9. Every oath and declaration shall be taken by the deponent in the presence of the commissioner, notary public, justice of the peace or other officer or person administering the oath or declaration who **shall satisfy himself or herself of the genuineness of the signature of the deponent or declarant and shall administer the oath or declaration** in the manner required by law before signing the jurat or declaration.

In other words, when a constituent asks you to witness any affidavit your **only duty** is to ask them if they swear or affirm that the statements contained in the affidavit are true, hear their response “I do” and then to confirm their signature. The statements contained in the Ontario government issued affidavit you would witness are simple. First the person confirms they are the parent of the named child and they have sincerely held religious or personal belief that is in conflict with requirements of the Act. Second, the parent confirms they are aware that their unvaccinated child may be excluded from school in the event of a disease outbreak.

By refusing to witness a signature and hear an affirmation due to your “personal beliefs” you throw into confusion what exactly it is that you do and do not believe in.

1) Do you not believe in Ontario’s Immunization of School Pupils Act itself?

<http://www.ontario.ca/laws/statute/90i01>

2) Do you not believe in your constituents’ right to exemptions as stipulated in that Act?

3) Do you not believe in your constituents’ legal right to security of the person and to freedom of conscience as stipulated in the Canadian Constitution? <http://laws-lois.justice.gc.ca/eng/const/page-15.html>

4) Do you not believe in your constituents’ rights to voluntary and informed consent as stipulated in Ontario’s Health Care Consent Act? <http://www.ontario.ca/laws/statute/96h02#BK14>

5) Do you not believe that it is **discriminatory** to exclude your constituents from your services due to their sincerely held religious beliefs or personal conscience?

These are all questions that must be considered by someone in public office who is prejudicially withholding their services from certain of their constituents.

We hope that our concerns regarding your personal stance on witnessing exemption affidavits will lead to more sober reflection on this highly charged issue, and that you will be able to separate your personal beliefs from your legislative duties.

We respectfully request your acknowledgement of receipt of this letter and your thoughtful responses to the five questions we ask above.

Very sincerely,

Edda West, President of Vaccine Choice Canada on behalf of the VCC Board of Directors.

Cc: Premier Wynne, NDP Leader Horwath