

point of order, that you cannot simply eliminate something and not replace it with something because you will not have a definition of a child.

Mr. Speaker: A motion to delete is always in order. The Hon. Member, with great respect, has made a comment on a ruling. Order. With great respect, if the Hon. Member tries that again—

Mr. Skelly: What is going to happen?

Mr. Speaker: I am going to hit him on the wrist with my rubber pencil.

Some Hon. Members: Oh, oh!

Mr. Speaker: The Hon. Member for Broadview-Greenwood (Ms. McDonald).

Ms. Lynn McDonald (Broadview-Greenwood): Mr. Speaker, I wish to speak against Motion No. 1 and to make a few brief remarks on Motion Nos. 3A and 3B. It seems to me Motions Nos. 3A and 3B are eminently supportable. They are reasonable motions in the light of Canadian society at the present time where young people are still an expense at ages 16 and 17. We have a society that requires more and more education in order that young people get jobs. It seems quite reasonable that young people at the age of 16 and 17 be considered as children of the family for the purpose of this Act.

I support also the specific proposal of Motion No. 3A to add education to the list as one of the criteria for which support should be considered. I would urge adoption of Motions Nos. 3A and 3B.

Mr. John Nunziata (York South-Weston): Mr. Speaker, I appreciate the opportunity to speak to Motion No. 1. The effect of Motion No. 1 is to strike out lines 11 to 19 at page 1 and to strike out lines 39 and 40 at page 2. First, by striking out lines 11 to 19 at page 1 it strikes out the definition of a child.

Mr. Speyer: Right.

Mr. Nunziata: The definition of a child as defined under the Act is that a child of a marriage means a child of two spouses or former spouses who at the material time (a) is under the age of 16 or (b) is 16 years of age or over and under their charge but unable, by reason of illness, disability or other cause, to withdraw from their charge to obtain the necessities of life. The effect of Motion No. 1 is to delete it. Now you have to go to another motion. If you are going to delete it, what are you going to replace it with? I am sure all Hon. Members will agree that we must have a definition of a child.

● (1730)

We, in the Official Opposition, have made a recommendation. We have moved that the age, or the definition of a child be changed to define a child as being someone under the age of 18, or over the age of 18 and under the charge and care of the

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parent. I indicated previously in other submissions the reasons why we wanted to increase the age regarding the definition of a child.

Because you have ruled Motion No. 2 out of order we are left with Motion No. 3B to speak to. It says that we are changing the definition of a child to increase the age to 18 years. If Clause 1 carries then Motion No. 3B has to replace Motion No. 1, which would be a good result. We believe that there is not much difference between a child who is 17 and a child who is 16. Generally speaking, children are in high school until the age of 18 or 19, and we are saying that this Act, as is presented, discriminates against children who are 16 and 17 years of age, because the Act defines the child as someone under the age of 16. So a 16-year-old could not be the subject of an order by the court with respect to access or custody because you are defining a child as someone under the age of 16.

I would ask any Member in this House to say to me that a child who is 16 years of age is not a child and should not be subject to a court order. In the Province of Ontario a parent continues to have control over a child until the age of 16. It seems inconsistent to have provincial legislation that defines a child in one particular way, and federal legislation to define it in another. This definition appears under the present Act. If you allow this to carry the court would have no jurisdiction to order a husband to pay support for a 16-year-old child because the definition would not include a child that is 16.

The Parliamentary Secretary will argue, however, under Clause (b) if the person is 16 years of age or over and under their charge, but unable by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessities of life, then that would encompass a 16-year-old child. Why leave that discretion to the court? If I was a spouse and I wanted to argue that I should not pay support to a 16-year-old child I would argue that that particular 16-year-old child could fend for him herself and should go out and find a job.

The point we are trying to make is that the definition of a child should define a child as being someone 18 years of age or younger, because in modern day society when we speak of children that is whom we are speaking of. In Ontario you have to be 18 in order to enter into contracts; you have to be 18 in Canada to vote. Under other legislation have defined an adult to be someone 18 years of age and older. Therefore, should we define a child as being someone 18 years of age and under? There is an inconsistency. I point that out to the Parliamentary Secretary and I am very curious to hear his submissions with respect to the definition of a child.

Mr. Speyer: Mr. Speaker, with respect to the submissions that have been made by the Liberal Party, it seems to me they are trying to do indirectly what they cannot do directly as a result of your ruling. Let me try to explain this.

The definition of a child, for the purposes of this Act and the amendment that was proposed, was to be done by way of Motion 2. That motion was ruled to be out of order. What they have done is taken some solace in putting it with respect