

Status of Women

Each representative of the parties in the House received a copy of the amendments a few days ago, and each party was able to study and discuss them. Those discussions led to the unanimous agreement which made it possible to introduce the amendments tonight.

Mr. Speaker, I would like to thank hon. members for their cooperation and I also thank you for allowing this slight departure from the rigid rules of this House thus paving the way for improving this bill with the unanimous consent of the members of the House.

[English]

Mr. G. W. Baldwin (Peace River): Mr. Speaker, on the first part of the amendment I have nothing to say. There seems to be some equity to the proposition, and I am certainly not going to object to the second, but I do think we should have a word of caution about that part of the amendment which seeks to give a certain amount of validity to common law marriages. It was not very long ago that the Prime Minister (Mr. Trudeau) said that the government should stay out of the bedrooms of the country. What is happening here is that the minister is allowing people to go into the bedrooms by the back door, and this is something we must consider.

● (2030)

Paragraph 2(3)(a) of Section 24 the War Veterans Allowance Act will say:

(a) a veteran who establishes to the satisfaction of the district authority that he has been residing with a person of the opposite sex and has been publicly representing that person as his spouse for a period of not less than

(i) three years, where he is prohibited from marrying that person by reason of a previous marriage either of that person or of himself, or

(ii) one year, where neither he nor that person is prohibited from marrying the other, shall be deemed to be married to that person;

I want to caution the minister that this is placing in the hands of the district authority, a civil servant, a very important judicial function. That person must be satisfied, but I do not know on what kind of evidence. It may be that regulations will be promulgated later to ask the House to agree that a veteran can establish "to the satisfaction of the district authority". But what degree of satisfaction must it be? Must it be satisfaction which is more than a preponderance of the facts, must it be beyond reasonable doubt, and so on?

I am not going to object to it on that ground, Mr. Speaker, but I think the drafting leaves something to be desired. It is not reasonable to ask the House to give approval to a clause which says the district authority must make a finding of fact that he is satisfied that the veteran:

—has been residing with a person of the opposite sex and has been publicly representing that person as his spouse for a period of not less than

(i) three years, where he is prohibited from marrying that person—

There must be a finding of fact and of law that there is a prohibition. The minister is a good lawyer. He knows that to leave people like the district authority with that sort of judicial function is a rather dangerous proposition. I hope regulations will be promulgated that will define that. The

[Mr. Lalonde.]

Minister of Justice (Mr. Lang) might be able to advise him on this.

Having said that, I will make one more comment, Mr. Speaker. This is the second time within a couple of weeks that we have had this kind of clause in a statute. From my own experience as a member of this House and as a practising lawyer for a great many years, I know that there are cases where people living together as man and wife are accepted as such. Probably the community in which they live does not know that they are not man and wife. During the war years many alliances were contracted overseas, for example, where the marriage of one of the persons involved prohibited the marriage of the two who had come together, but they lived together and brought up a family and have been pillars of the community.

What concerns me to some extent is the blanket effect—I do not mean to use the word blanket as a pun—of this particular situation following on the situation of Bill C-62 brought in by the minister, where there was a similar provision. It may well be that the government feels that society is at the stage where illegal liaisons of this kind should be accepted and legitimized, and the necessity for marriage may disappear. That is not my view and I do not think it is the view of many people in this House, although I am prepared, as in this case, to make exceptions. If that is the view of the government then it should introduce some measure in order that the principle could be debated. We should find out if this House, on behalf of the people of Canada, wants to place the imprint of legality on such arrangements.

Apart from that I am not going to object to it. I am just uttering these words as a caveat because of the problems that could arise from the district authority being granted what is in effect a very important judicial function, and which may involve a lot of money at some time or other. There is also the fact that the government appears to be moving step by step toward the acceptance of a form of loose arrangement between people of the opposite sex. People may now well say that we have a government which has placed the *Good Housekeeping* seal of approval on shacking up together under any and all circumstances. I just wanted to place this caveat in front of the minister. I hope he does not really give approval to this sort of liaison, Mr. Speaker.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, the Minister of National Health and Welfare (Mr. Lalonde) has referred to the two amendments that he has moved. I hope he will not mind if I say that technically it is one amendment to the bill although it adds two new sections to the act itself. I mention that mainly to provide myself with a convenient way of dividing my remarks so that I can cover first one subject and then the other.

The first part of the amending motion now before us provides for changes in the Canada Labour Code so that roughly the same provisions for maternity leave that are covered in the Unemployment Insurance Act would also be in the Canada Labour Code. Obviously that was an oversight when the bill was first drawn. The improvements in the Unemployment Insurance Act regarding maternity benefit are welcome, and I think it was appropriate that parallel changes should be made in the Canada Labour Code under which employers are required to grant