

Criminal Code

whole party or whether they are the values of a very small group of people in the centre. We do not have a process which allows us to look at the budget in terms of the values it expresses.

There is just one aspect of the budget I would like to identify for the House at this point. The budget expresses itself with some sense of clarity on the importance it places on the family in Canadian society.

Bill C-53 deals in part with the values we hold in relation to families. When I rose in the House to question the Minister of National Health and Welfare, I pointed out that there is a budget provision which provides that any adult Canadian can prepare for his retirement by owning a residence because the government leaves it tax free. The government will not levy capital gains tax when it is sold, and an adult Canadian can roll that into some kind of retirement plan. There is an encouragement to own a home, unless one is married. If a person has signed a marriage licence, the budget says he has half that right. He must share. If he chooses to live common law, gets a divorce or stays single, he can have a residence, enjoy whatever that gains for him and use it in retirement, but not if he signs a marriage license.

I examined the budget further. If I were a tax adviser, I could look at the budget and advise any married couple. I could look around this chamber and pick some Member of Parliament who is 30 or 35 years of age and married and say to him, "Go to a lawyer before the end of this year, get yourself a divorce and reach a financial settlement whereby you put half your income into the hands of your spouse." He and his spouse could live together common law from that point on. If he were to do that, the tax system would reward him to the tune of somewhere between \$150 and \$200 a month. There would be some \$2,000 a year in tax savings if such a Member of Parliament were to go through the legal process of dissolving his marriage and live common law. How many members sitting on government backbenches recognize that the budget makes a social policy statement of that kind and reflects a value of that kind in two important respects? One is capital gains in terms of residence and the other is the actual income tax system itself. One of those inequities is new; the other has been there a long, long time. Is that in any way responsible for the fact that we have a society in which it seems to be more and more difficult for families to stay together or for marriages to endure, flourish and prosper?

When I look at this bill through that perspective, its wording causes me a great deal of concern. The wording of the child abduction clause leads me to think of the case of a divorce resulting in a child living with one of the parents. In this hypothetical case a 13 or 14-year-old child gets into a violent disagreement with that parent—children do that—and runs away. A logical place to run is to the other parent. As I read this legislation, a charge can be brought against a parent who welcomes his child into his home in that frightened state. As expressed in Bill C-53, the criminal law of this country would allow somebody to lay a criminal charge of abduction against that parent, and the penalty would be a maximum of 5 years in

prison. I do not think that is what any minister of the Crown really wants. I am quite certain it is not what any member of this Parliament would want, but it sits there as a possibility in the current wording of the bill. I think it speaks eloquently about the point on which I began: the need for caution, the need to be non-political in a partisan sense and the need to have a committee process in which hon. members can work hard and hear witnesses who will provide them with the knowledge they need to comprehend in a real way what this bill will do.

As I was looking through this bill over the last few weeks, I obtained from the library some of the books and research information which deal with the variety of topics dealt with in this omnibus bill. The one I have in my hand at this moment is entitled "Rape: The Price of Coercive Sexuality". The statistics in it are perhaps the best available, but they are not very good. According to one statistic in this book, one quarter of those who commit offences such as rape are unemployed and fairly young. When I see the unemployment figures that are published monthly increasing in this country, and I see that it is our young people who suffer disproportionate amounts of unemployment, as a behavioural scientist I must conclude that we can expect to see more crimes of this kind. If we do not do a good job with legislation related to the topics that are before us tonight, then we are not providing our society with the kind of tools that it needs to ensure that we do not have an explosion of the kind of crimes which are dealt with by this particular piece of legislation.

● (2050)

As a member of the constitutional committee, it made any member who served there for all those hours, acutely conscious of the inherent conflict between the notion of individual rights and the notion of group rights, and the dilemma of whether the individual shall have the right to do whatever he chooses, versus the right of a society or some element of that society to live in a situation which promotes the kind of values which they have.

In our society I guess a group right for a family is an important kind of element. We give parents a great deal of power to determine the kind of schooling that their children might get, as one kind of an example. Some people will send their children to a school that has a strong religious flavour. Others would send them to a school which did not, and they would choose the kind of religious flavour that they wanted their children to enjoy.

What we are dealing with in this bill is an attempt to define the rights of the group over the rights of the individual. We are saying that an individual may not do the following series of things. The hon. member for Lethbridge-Foothills (Mr. Thacker) identified some of the problems that exist in this bill in terms of that issue. The bill speaks about sexual misconduct and then is silent on defining what that is. The member for Lethbridge-Foothills indicated that perhaps as parliamentarians we need to put our minds to finding a somewhat more complete definition of that, or we can opt out and turn it over