

● (1200)

Generally speaking, I disagree that the subject matter of the clauses is related, as the New Democratic Party said. The subject matters of the clauses are not related. Therefore, even if the wording of the motions is similar, the Speaker should not consider whether or not the motions are acceptable as a grouping because the subject matter is entirely different and the amendments have a completely different impact on the clause that is under consideration. But even so, the actual wording of the motions is not similar, either, not to mention the fact that the motions have a completely different impact on the clauses being discussed. As the Speaker said, the Chair simply made a temporary ruling on the groupings to be followed by the hearing of arguments and further examination.

Mr. Speaker: I thank Hon. Members. Let me be absolutely clear about this procedure for future. I clearly said about Motions Nos. 1, 2 and 3 that I had an intention. I did in fact group Motions Nos. 4 through 9 and then received a request with regard to the right to put some argument with respect to Motion No. 6. I am perfectly willing to hear that argument.

Having now heard argument on Motion No. 4 and Motion No. 5, I am prepared to consider those motions. But I do not want to leave the impression that I wanted to create a practice of temporarily grouping motions in advance of hearing argument.

I will reserve on all the arguments and be back to the House later as soon as I have considered these matters. Therefore, I suggest that we resume debate on the grouping as it currently stands.

When we last considered this matter, the Hon. Member for Hamilton Mountain (Mr. Deans) had the floor. Had the Hon. Member concluded or does he want to conclude now?

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, I believe I only have a minute left—oh, four minutes left. That is even better. I might as well use it all up, then. Truthfully, I do not propose to use all that time. I did put before the Minister on the last occasion on which this legislation was before the House, the whole question of the presumption of death. That is an issue, I believe, which should be resolved once and for all. I submitted to the Minister the views of this Party that the presumption of death and, therefore, the issuance of a certificate has been the prerogative of the provincial or territorial jurisdictions within which the death occurred. I suspect, even going beyond that, that in the case of deaths which had occurred, or were presumed to have occurred in jurisdictions outside of Canada, it would be necessary to obtain the death certificate from that jurisdiction before a decision could be made to discontinue the payment of family allowance.

I would submit, if I may, that it would be inappropriate for us to give to the Minister, in legislative form, the power to make a presumption and issue a certificate inasmuch as we would come into conflict, I believe, with a very serious constitutional question. I would ask the Minister that he not proceed

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with that inasmuch as he already has the power now to discontinue payments for any child who it can be proven is not in the custody of the person to whom the payment is normally made. With that power, the Minister is able to achieve all that is required of him at the moment.

I accept his argument and concede that in the case of—and he used this example—the Air-Indian disaster, it could be reasonably assumed that everyone on the plane died when the plane went into the ocean. However, I believe there is still the necessity to ascertain exactly who was on the plane. I would respectfully submit that that is not something about which assumptions should be made.

One should not assume the identity of the people. Nothing should be done until, at the very least, a coroner establishes, to the extent it can be done, who was on that particular aircraft. That was done with respect to the Air India crash. Even though the bodies were not all recovered, that was done by looking at the list of passengers and the appropriate documentation which it was necessary to file before the plane embarked upon its fatal journey.

I say to the Minister that we would much prefer that he operate with the power he now has, that he recognize the potentiality for constitutional dispute. Not only is there the Constitution within Canada but there is also a serious question of jurisdictional dispute between the Government of Canada issuing a certificate of death, on the one hand, and a jurisdiction outside of Canada which would have the authority and the requirement to investigate into the facts surrounding any death of any person, and clearly establish for all time who it was that died before any action taken by the federal Government could be considered legal and, therefore, proper.

Having made those few brief remarks in summation, I would ask the Minister to give some consideration to my argument. Perhaps he could operate within the laws which now exist without making these changes and running the risk of the problems I anticipate he could have.

Mr. Alan Redway (York East): Mr. Speaker, when Bill C-70, the Act to amend the Family Allowances Act, came on for second reading in the House, there was a considerable amount of debate which revolved around Clause 5, the whole question of the presumption of death and of the issuing of a death certificate by the Minister. A number of members spoke with respect to this clause and expressed their deep concern about the idea of the issuing of a death certificate. It was not, in the terms that the Hon. Member for Hamilton Mountain (Mr. Deans) expressed today, the constitutional question, but it was in terms of the impact and trauma which the issuing of a death certificate has on the family which is involved in receiving those payments.

Although a number of Hon. Members referred to this problem, I was particularly struck by the comments of the Hon. Member for Thunder Bay-Atikokan (Mr. Angus) when he said in the debate that he had had the experience of having to convince the powers that be that some senior citizens were really alive. Can you imagine the feelings of a lady receiving a