

Mr. Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Speaker: In my opinion, the nays have it. I declare the motion lost.

Motion No. 21 (Mrs. Finestone) negated.

Mr. Speaker: The next question is on Motion No. 26 standing in the name of the Hon. Member for Mount Royal (Mrs. Finestone). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Speaker: All those in favour of the motion please say yea.

Some Hon. Members: Yea.

Mr. Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Speaker: In my opinion the nays have it. I declare the motion lost.

Motion No. 26 (Mrs. Finestone) negated.

Mr. Speaker: I have reviewed the arguments made by the Hon. Member for Mount Royal (Mrs. Finestone), the Hon. Member for York South-Weston (Mr. Nunziata) and the President of the Privy Council (Mr. Hnatyshyn). I have re-examined Motion Nos. 2 and 3, the Bill itself and Motion No. 3B.

The argument made with regard to Motion No. 2 is that it was not a substantive amendment to the Bill but one that simply changed the age 16 to a higher age. I must find that it is in fact a substantive amendment. A change in the number is a substantive amendment, as a matter of consequence. Because it is increasing the number, clearly it enlarges the scope of the definitions and, therefore, its application to the Bill. On either of those counts it would have to be ruled out. Therefore, I must rule Motion No. 2 out of order.

I have similar difficulty with Motion No. 3 standing in the name of the Hon. Member for Mount Royal. It adds definitions to the interpretation clause, which is normally regarded as out of order. Unless I misread the intent of the amendments, they were definitions that were introduced to have an effect on later amendments. In other words, the change is clearly a substantive change in the interpretation clause whose purpose was to relate to other amendments which themselves have been ruled out of order. Therefore, I suggest to the Hon. Member that the change in the interpretation clause must be procedurally regarded as inadmissible.

With respect to Motion No. 3B, I indicated that my preliminary view was that the proposal was to change the definition within the Section only, if I recall, to introduce a concept of

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age. It is not at all clear that that would enlarge the scope of the application to the Bill. As I read it, it would suggest a change within that one Section. In that context I am prepared to give the benefit of the doubt and allow the Member to have her motion put.

As I indicated previously, I would expect it to be grouped with Motions Nos. 1 and 3A and that a vote on Motion No. 1 would dispose of Motion No. 3B. Therefore, I propose to turn to Motion Nos. 1, 3A and 3B.

Mr. Speyer: Mr. Speaker, I rise on a point of order just for clarification. In light of the ruling on Motion No. 2, that a change from 16 to 18 is not in order, is that not absolutely inconsistent with your ruling—

Mr. Speaker: Order, please. The Hon. Parliamentary Secretary knows much better.

Mrs. Sheila Finestone (Mount Royal) moved:

Motion No. 1

That Bill C-47, be amended in Clause 2

(a) by striking out lines 11 to 19 at page 1.

(b) by striking out lines 39 and 40 at page 2 and lines 1 to 7 at page 3.

Motion No. 3A

That Bill C-47, be amended in Clause 2 by striking out line 17 at page 1 and substituting the following therefor:

"of education, illness, disability or other cause, to"

Motion No. 3B

That Bill C-47, be amended in Clause 6 by striking out line 46 at page 4 and substituting the following therefor:

"opposed and the child of the marriage, hereinafter to be interpreted for the purposes of this Act to mean a child of two spouses or former spouses who, at the material time,

(a) is under eighteen years of age and who has not yet withdrawn from the charge of his or her parents, or

(b) is eighteen 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, in"

She said: Mr. Speaker, I am pleased with what you just said and I hope that I understand its intent. It allows me to express some very serious concerns. In Motion No. 1, I am seeking to strike out lines 11 to 19 at page 1 of the Bill which provides the definition of "child of the marriage". It reads:

"Child of the marriage" means a child of two spouses or former spouses who, at the material time,

(a) is under the age of sixteen years, or

(b) is sixteen 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 provide himself with necessities of life;

I also seek to strike out lines 39 and 40 at page 2 and lines 1 to 7 at page 3 of Clause 2(2) of the Bill which states:

For the purposes of the definition "child of the marriage" in subsection (1), a child of two spouses or former spouses includes

(a) any person for whom they both stand in the place of parents; and

(b) any person of whom one is the parent and for whom the other stands in the place of a parent.

Before I deal with Motion No. 3A, let me deal with Motion No. 3B. My purpose in striking out those lines contained in Motion No. 1 is so that I could address, under Clause 6, the