

Family Allowances Act, 1973

I respectfully submit that Motion No. 2 does neither of those two things. What it does is to establish a grandfather clause. It says that the principle established in the Bill shall only be in force and effect for one year.

Mr. Speaker: Do you mean grandfather or sunset?

Mr. Deans: I am sorry, I meant to say sunset clause. Thank you, Mr. Speaker.

It establishes a sunset clause. It states clearly that the principle is not negative inasmuch as the Bill we have before us will, in fact, become law, but that this particular law will be in effect for only one year. At the end of one year, if it is the Government's wish to continue with the law, it is its prerogative to bring forward subsequent legislation, which would again put into force the provisions of the legislation which we now have. I submit it does not negative the principle of the Bill in any way. In fact, it allows the Bill to pass in the form in which it was presented to Parliament and in the form in which it was approved at second reading. It simply establishes that this particular law will have to be reviewed again at the end of a one-year period.

I now wish to deal with the grouping of Motions Nos. 4 and 6. I will leave it up to my colleagues in the Official Opposition to deal with the other groupings. I suggest it is not appropriate to debate these motions together inasmuch as although they deal with a related subject matter, they do not deal precisely with the same subject.

I will deal first with Motion No. 6 because I think it is important. In this respect we are dealing with a constitutional question. We are dealing with whether or not it is indeed appropriate for the Minister to have the power to determine in one form or another whether a person who, until that point in time was in receipt of family allowance, will be considered to have died. We are suggesting that the issuance of a certificate to that effect is the prerogative of the province in which the death occurs and that it is not the prerogative of the Minister under this or any other Act to undertake the issuance of a death certificate. We suggest this subject should be debated separately. It concerns a serious question of constitutionality which we believe should be debated in the House of Commons. I am prepared to concede that we may not win the argument but, nevertheless, I think the argument should be allowed to be made and to stand on its merits separate and apart from Motion No. 4.

Motion No. 4 deals with the question of the Minister having the power, which is a separate matter. If the Minister than has the power to do certain things, what are those things which he could do? I believe the Minister said in committee that this, in fact, is a housekeeping question. He may be right. What we are trying to do in respect of Motion No. 4 is, in essence, to regularize what is happening to the extent that that can be done.

Therefore, I submit you are correct in suggesting that the motions should be voted on separately, Mr. Speaker. I would have thought that, since the principle flows backward in the Bill, if you will, Motion No. 6 should be voted on first,

followed by Motion No. 4. The debate on Motion No. 6 as to whether or not the Minister does have the power to do what he is attempting to do should be heard separately from the issue with respect to what he can use that power for after the law has been passed.

Incidentally, we accept your ruling with respect to Motion No. 1. Your Honour's decision with respect to allowing debate to take place and a vote to occur on Motion No. 2 should stand.

The debate should continue and the vote should take place with respect to whether or not this law should be enforced for one year or until some decision by someone to terminate it takes place. Motion No. 6 should stand separately and be debated separately. Then the question of constitutionality can be dealt with separate and apart from the effect of the legislative change which is being asked for.

Finally, we ask that Motion No. 4 be debated separately because it, in fact, is the motion which will determine how the Minister will use the power if such power is granted.

Mr. Baker: Mr. Speaker, I would like to add a word or two to what has already been said. I would also like to bring up a different point completely. It has to do mainly with the grouping of the motions. I am sure all Hon. Members will agree that it is up to Your Honour to make a decision with respect to how the groupings should be made. I believe all Members will also agree that when a grouping takes place it should be in respect of the same subject matter.

I wish to point out that although the previous speaker said the subject matter is related, I differ with his argument. The subject matter is certainly related, especially in respect of Motions Nos. 4 and 5. Although the wording in two or three lines is similar, the clauses which they propose to amend are completely and utterly different. There is absolutely no similarity whatsoever between Clauses 4 and 5. Clause 4 deals with remission of amount owing. Clause 5 deals with the presumption of death. There is not only that to consider, Mr. Speaker, but the remission of so-called amounts owing is an entirely different subject from the matter dealt with in Clause 5. Clause 5 deals with a presumption of death, while Clause 4 deals with amounts paid out to persons who are not dead. In other words, it is certainly a completely different argument which has to be presented. The subject matter is completely and utterly different. Therefore, I respectfully submit that Motions Nos. 4 and 5 cannot be grouped together.

The second question is with respect to what happens then. I presume that, if Your Honour agrees with the arguments presented on the groupings, you will determine what will then happen with respect to all Members who have already spoken to the groupings. I presume that you will keep in mind that some of us have simply spoken on the broad principle of one or a portion of one of the motions. Therefore, I submit that those who have already spoken not have their time taken away speaking on the motions but that they be permitted to speak 10 minutes on each of the motions contained in this resolution before the House.