

*Private Members' Business*

would include a child protection commission and an emergency hot line for children.

The protection of children is one of the foremost duties of any society. We can only be as strong as our weakest members. I, therefore, laud the member for Mission—Coquitlam for the concern she has shown for all children in Canada in her motion on this matter.

Having said that, I would now like to turn my attention to some of the real difficulties faced by this motion. Canada is under a federal system of government with both levels of government, federal and provincial, having certain areas of responsibility under the Constitution.

Provinces have been allocated power over much of family law, including the welfare of children under section 92, subsection (13) of the Constitution Act, 1867, which gives to provinces the right to legislate with respect to property and civil rights in provinces. In the adoption reference of 1938, the Supreme Court of Canada determined that the welfare of children was a matter of provincial responsibility.

We have in Canada two basic types of legislation which afford protection to children, the criminal law which deals with the physical and sexual abuse of children and child protection legislation which deals with the involvement of the state where a child has been abused or neglected. The federal government has constitutional jurisdiction over the former and provincial governments have constitutional jurisdiction over the latter.

Provinces deal with child protection in a number of ways relevant to their individual circumstances and with a wide range of statutes covering such topics as adoption, child welfare, custody and access, and education. Each province has a government recognized body which has the responsibility for enforcing child welfare laws in order to protect children and provide services to the child and his or her family.

• (1750)

Given that these services are in place throughout this country, it does not seem to be advisable or necessary to involve the federal government in a long phase of negotiations to standardize these laws, removing flexibil-

ity from provincial legislation and challenging the constitutional authority which has been in place since 1867.

Further, I am not at all convinced that a central monolithic child protection commission would or could provide better services than those that are now provided by each province and territory, nor am I persuaded that it would be constitutionally correct.

The hon. member for Mission—Coquitlam has also included in her motion a reference to the need for an emergency hot line which children could contact in times of crisis. I would like to inform the House that the Canadian Children's Foundation has established a 1-800 number to serve just such a function. It is called Help Line and it is my understanding that it is enjoying considerable success. This crisis line handles calls from anywhere in Canada and refers children in distress to local authorities and services for assistance in dealing with their problems. This valuable service offers support and assistance to children from all across Canada.

Children are our most important asset, as I mentioned earlier. Our society will be judged by how well we protect them. There are, in addition to child protection laws, criminal laws which protect our children. In particular, this government can be proud of its achievements in the prevention of child sexual abuse.

In January of last year, Bill C-15 became law. This bill amended the Criminal Code and the Canada Evidence Act to better protect children and youth from sexual abuse by enacting measures to permit more young children to testify and to provide more sensitive procedures for obtaining their evidence. In addition new offences were created and certain outdated and confusing provisions of the Criminal Code were repealed.

The Department of Justice has supported this initiative through law information activities such as the easy to read booklet for children age four to ten. It tells them to tell someone if they have been sexually abused. We also have a book for adults telling them how to proceed if a child discloses an incident of sexual abuse to them.

Concern for children is expressed not only in the Criminal Code but in the federal government's family law legislation. The Divorce Act, for example, provides that the custody of a child is to be decided upon with a consideration of the child's best interest only. This makes it clear that the needs and the rights of the child