

*Divorce*

applicants for divorces, and out of that money they would provide payment for an officer of both houses who would have the post of proctor.

I believe that no private member can sponsor a bill which can cause expenditure out of the consolidated fund or any public funds, or cause the government to raise money for whatever fund might be set up. I submit that this purported levy is a form of taxation, and if it were to be paid out of the consolidated fund then this would be an invalid bill put forward by a private member.

What the hon. member proposes to do is bypass the consolidated fund and set up another fund. I am not sure whether it would also be a public fund, but in effect it would be the responsibility of the government to see that the proctor was paid. For instance, what would happen if there were not enough divorce petitions to pay this officer's salary? Perhaps that does not seem practical, in view of the way in which these divorce petitions are increasing; but if a proctor is appointed and gives service, who is to be responsible for his payment? The Speakers of both houses are; but ultimately the responsibility will fall back upon the government because it is the House of Commons and the Senate which appoints the Speakers. That being so I believe this indirectly would make a charge on the consolidated fund of the country. In effect there would be a guarantee that the government would see payment was made, its authority for that being delegated for the time being to both Speakers who would collect the levy on those making petitions.

When we impose duties on goods coming into the country that is a form of taxation, but people do not have to pay it if they do not import the goods concerned. However, I ask is it right to tax an applicant in order to raise money for certain purposes? On that basis I would contend that this bill is trying to do something indirectly that we cannot do directly.

**Mr. Peters:** Question.

**Mr. Terry Nugent (Edmonton-Strathcona):** Mr. Speaker, I am sure that those of us in the house who are lawyers are fully aware of the valuable services that can be rendered to the courts within the provinces, because there is in most provinces a Queen's proctor to make sure that the rules and regulations for bringing divorces before the courts, as well as the actual matters constituting divorce, are adhered to and subject to scrutiny.

I am sure that hon. members of the house have found it a trifle embarrassing to find that sometimes some of the evidence presented to the parliament of Canada to obtain a divorce seems to be a little suspicious, to say

the least. While I agree with the hon. member who introduced this bill that a Queen's proctor would render much valuable assistance and would probably keep to a minimum or weed out a certain amount of what I call shady practices, I must add the note of caution that even with a Queen's proctor divorces are not always, in all the provinces, obtained according to the way in which they should be obtained.

The point, of course, is that the Queen's proctor is the individual appointed with that specific duty. While I think that our law enforcement agencies are constantly on the lookout to make sure that the laws against perjury, for instance, have not been violated, I think the reason a certain individual is delegated in most attorneys general departments to look after this matter specifically is that divorce is a subject which can easily be neglected, where there is not the light of publicity, et cetera, that would keep the ordinary officials of the department so busy and vigorous on it if someone were not given that specific responsibility.

I am not going to argue too minutely some of the provisions of this bill. We have already heard from the hon. member from Peace River who, because of his very long legal experience, and I may say very distinguished career in law, has been able to give the house the benefit of his views on this matter. I would like to back him up in his stand that this office should not be financed in the manner set out in this bill. Certainly it is a public servant performing a very valuable function and it is up to the public to pay his salary and expenses. In that connection I note that the bill itself contains the method of appointing a Queen's proctor. It puts on the Speakers of the two houses the duty, with the advice of the parliamentary committees, to select this official.

Surely, Mr. Speaker, if this official is going to play the part that he is supposed to play, and if he is going to be able to acquire the staff that would be necessary for him to effectively carry out the investigative functions of his office, there must first of all be some degree of permanency about it. The idea of making such an official the result of a political appointment seems to me to destroy that independence of movement that is necessary if he is to be able to carry out his functions in the manner required.

The hon. member for Timiskaming pointed out one of the reasons why this man should be well enough paid so that he would be free from any suggestion or taint of influence, so that he would be really free to dig into these divorces and see exactly what is going on. He pointed out the high cost of divorces in parliament. I suppose by inference