

HOUSE OF COMMONS

Thursday, January 16, 1986

The House met at 11 a.m.

GOVERNMENT ORDERS

[English]

FAMILY ALLOWANCES ACT, 1973

MEASURE TO AMEND

The House resumed from Monday, December 16, 1985, consideration of report stage of Bill C-70, an Act to amend the Family Allowances Act, 1973, as reported (without amendment) from a legislative committee; and Motions Nos. 4 and 6 (Ms. Mitchell), Motions Nos. 5 and 7 (Mr. Malépart) (p. 9391), and Motion No. 9 (Mr. Redway) (p. 9392).

Mr. Speaker: I have had the opportunity to review the procedural comments made by the Hon. President of the Privy Council (Mr. Hnatyshyn), the Hon. Member for Hamilton Mountain (Mr. Deans) and the Hon. Member for Gander-Twillingate (Mr. Baker) on Monday, December 16, 1985, relating to the report stage motions in amendment to Bill C-70.

[Translation]

And on December 11, I stated my position on Motions Nos. 1 and 3.

The comments made by the President of the Privy Council (Mr. Hnatyshyn) have confirmed my position, and I have no hesitation in declaring Motions Nos. 1 and 3 out of order.

I would refer Hon. Members to Beauchesne's Parliamentary Rules and Forms, Fifth Edition, Citation 773, (5) and (7).

[English]

Motion No. 2 has given the Chair some concern from the outset. On December 11, I said I was disposed to give the Hon. Member for Vancouver East (Ms. Mitchell) the benefit of the doubt. I must say the procedural issues raised by all sides in respect to this amendment are strong. At first blush, the amendment does appear to reinstate the parent Act after one year and does appear to contradict the principle of the Bill as adopted at second reading. On the other hand, the Hon. Member for Hamilton Mountain claimed the amendment is a sunset clause, and that if the Bill is to become law for one year this amendment, therefore, cannot be a true negative of the Bill.

I am prepared to find that the amendment is not a true negative, but I cannot agree that the amendment qualifies as a

true sunset clause. It appears to be a sunset clause to which future provisions are attached.

That being said, and having expressed my reservations, I am, nevertheless, disposed to give the Member the benefit of a debate and to allow the House to decide on the merits of such an amendment. Motion No. 2 will, therefore, be debated and voted on separately.

[Translation]

The Hon. Member for Hamilton Mountain (Mr. Deans) and the Hon. Member for Gander-Twillingate (Mr. Baker) have made representations to the Chair on grouping Motions Nos. 4 to 5 for debate.

I can assure them I listened very carefully to their comments, and I agree that Motion No. 4 does not affect the same provision as Motions Nos. 5 to 9.

[English]

All these amendments are, from a thematic point of view, however, closely related. That is why they are grouped for debate, but in terms of where they are offered in the Bill, they must be voted on separately. Hon. Members have offered comments as to the contents of the amendments, but I have not been convinced that, for procedural reasons, separate debate should be allowed. Therefore, the grouping as announced on December 11, 1985, will stand.

[Translation]

Mr. Jean-Claude Malépart (Montreal-Sainte-Marie): Mr. Speaker, I expect everyone remembers Bill C-70, which arises from one of the Budget proposals of the Minister of Finance (Mr. Wilson). When this legislation was introduced in the House by the Minister of National Health and Welfare (Mr. Epp) for the purpose of de-indexing family allowances, it also included amendments concerning what is referred to as "presumption of death".

Mr. Speaker, the Official Opposition, women's groups, family organizations, the clergy and the entire population have organized a vast movement against this Bill, not only against de-indexation of family allowances but also against the concept that the Minister would have the authority, after a child had disappeared for a certain time, to send a certificate to the parents, to presume the child dead and to close the department's file, strictly for administrative purposes, and not, contrary to what some people would have us believe, to help families settle their insurance claims.