

Check No. 6(b) says that the regulation:

—makes the rights and liberties of the subject dependent on administrative discretion rather than on the judicial process.

This Minister, and I say this advisedly, who is a man of God, a religious and a good man, is now trying to play God in this Bill. He is declaring kids dead on his own whim without showing a court or a third party any particular evidence. I think that is dangerous. I think it is bad law and I think the Government could run into constitutional problems with this. The Government should take another look at it.

**Hon. John Wise (Minister of Agriculture):** Mr. Speaker, this has been a very interesting debate. We should recognize that the language in Bill C-70 relating to certificates of presumption of death is currently in two other federal Acts, the Canada Pension Plan and the Old Age Security Act. The Canada Pension Plan Act deals with children's benefits for orphans and the children of persons receiving disability benefits. The language has been in the Canada Pension Act since its inception in the mid 1960s, I believe, in 1965 and 1966. It is interesting, Mr. Speaker, that no province has ever considered this an intrusion into its jurisdiction, nor has any other foreign country.

Therefore, I wish to inform the House that there have been consultations among the representatives of the Parties in this House and that it has not been possible to reach an agreement pursuant to Standing Order 82 or Standing Order 83 with regard to the allocation of time to the report stage and third reading stage of Bill C-70, an Act to amend the Family Allowances Act, 1973.

Therefore, at the next sitting of the House it is my intention to propose the following motion pursuant to the provisions of Standing Order 84:

That, in relation to Bill C-70, an Act to amend the Family Allowances Act, 1973, one sitting day be allotted to the consideration of the report stage of the said Bill; and one further sitting day be allotted to the consideration of the Bill at the third reading stage; and

That fifteen minutes before the expiry of the time provided for the consideration of Government business on the above-mentioned sitting days, any proceedings then before the House shall be interrupted, if necessary, for the purpose of this Order and, in turn, every question necessary to dispose of the said stage of the said Bill shall be put forthwith and successively, without further debate or amendment, Mr. Speaker.

**Mr. Gauthier:** Shame!

**Mr. Ouellet:** Once more.

**The Acting Speaker (Mr. Paproski):** Debate. The Hon. Member for Saint-Léonard-Anjou (Mr. Gagliano).

[Translation]

**Mr. Alfonso Gagliano (Saint-Léonard-Anjou):** Mr. Speaker, I would like to say a few words this morning during this debate on the motion moved by my colleague for Montreal-Sainte-Marie (Mr. Malépart) concerning the clause under which the Minister has the power to decide that a child who had disappeared has died and to stop sending family allowance cheques. This power which the Minister wants to give himself is, in my

*Family Allowances Act, 1973*

opinion, very important and it not only could, but will, in my opinion, create total confusion in our confederative system. First, the power to declare a person dead comes under provincial jurisdiction. If the Minister were to declare someone, in this case a child, dead when the province has not done so, whose decision will take precedence? Which will be the right one? Would the child be considered dead or not?

If I may, Mr. Speaker, I would like to refer for a moment to my experience in education. In Quebec, the school boards receive subsidies from the provincial Government for each child. Every year, a statement has to be prepared and a statistical report sent to the provincial Department of Education to determine how much the school board is entitled to receive.

In such a case, especially in the education system and for school age children, in the eyes of the school board, the Department of Education has authority, which would create incredible confusion for the parents and people in general. Would the child be considered living or dead since the Minister can sign this certificate and declare immediately that the child is considered dead and stop the cheques.

The second thing which might cause confusion is the cashing of the cheque. Here also, I refer to my own experience as an accountant. My customers have often had serious problems in the past.

[English]

**Mr. Tobin:** Mr. Speaker, I rise on a point of order. I believe the comments being made by the Hon. Member are some of the most relevant comments we have heard this morning and extremely important if we are to devise in this House good legislation to serve all the people of Canada. It is for that reason that I would humbly—although I know he is listening well—ask the Minister of National Health and Welfare (Mr. Epp) to pay particular attention during this debate. It is extremely important—

● (1240)

**The Acting Speaker (Mr. Paproski):** I appreciate what the Hon. Member is saying. I know the Hon. Minister pays attention to most of the speeches here and I know, now that the Hon. Member for Humber-Port au Port-St. Barbe (Mr. Tobin) has brought it to his attention, that he will be listening.

**Mr. Tobin:** Mr. Speaker, on a point of order—

**The Acting Speaker (Mr. Paproski):** That is not a point of order—

**Mr. Tobin:** Another point of order, Mr. Speaker—

**The Acting Speaker (Mr. Paproski):** This is debate. The Hon. Member is wasting the time of the Hon. Member for Saint-Léonard-Anjou (Mr. Gagliano). Is there another point of order?

**Mr. Tobin:** No, thank you very much, Mr. Speaker.