

Family Allowances Act, 1973

have acted to forgive amounts owing because of undue hardship to that person or institution. The Minister only stepped in because a Member stated that the Minister could not allow this to happen because of a legal question.

Under the previous Government, Ministers acted on a weekly basis to forgive amounts of money owing to the Crown under this section. Not only did the previous Government have compassion, it listened to representations made not only by Liberal Members but Conservative and New Democratic Members as well. We were a compassionate Government.

Some Hon. Members: Hear, hear!

Mr. Baker: The Minister ought to stand in his place and explain what the word "remit" means in this clause. Is he asking us to forgive his sins in other parts of his administration? What is the meaning of "remit"?

While he is explaining that, he should tell Canadians why there is this double standard. Why is he allowing amounts of money owed with respect to disability pensions to be passed over to provincial Departments of Social Services? Why is there a sweetheart deal with the provinces?

The gentleman to whom I referred does not even get his disability cheque any more. It goes to the provincial Department of Social Services. Of course, this is called provincial-federal co-operation. We support the clause in the Bill but we wonder why the Government applies this double standard. Since this clause is in effect in regulations under other acts of Parliament, why has the Government refused to act in cases of undue hardship to Canadians? The answer is quite simple. It is not a compassionate Government.

Some Hon. Members: Hear, hear!

Some Hon. Members: More, more.

Mr. Tobin: Mr. Speaker, I rise on a point of order. In the spirit of generosity that pervades this place today, as we lead up to the Christmas season, and so that all Members from all Parties can continue to be—

Mr. Nunziata: Enlightened.

Mr. Tobin: Enlightened is too gentle. In order to broaden our vision and understanding, I ask unanimous consent that we hear more of the treasured words of the Hon. Member for Gander-Twillingate (Mr. Baker). Can we have unanimous consent?

Mr. Epp (Provencher): Mr. Speaker, the Government is here to work and I do not give unanimous consent.

Some Hon. Members: Shame.

Mr. Ian Deans (Hamilton Mountain): Mr. Speaker, while I suspect that anyone attempting to follow the Member for Gander-Twillingate might not succeed at this time of the evening, I will attempt to make a few comments. I want to discuss the Minister's interjection which he made a few moments ago with regard to the possibilities for some changes

to the Act. I want to do so from the point of view of the appropriateness—and the legality perhaps—of the Minister issuing a death certificate. According to my understanding of the existing legislation, the Minister has the authority to discontinue payment.

Mr. Epp (Provencher): Has to.

Mr. Deans: Has the authority.

Mr. Epp (Provencher): Must.

Mr. Deans: And has the authority to discontinue payment. The Minister nods his head in the affirmative. He now has the authority to discontinue payment in the existing legislation. I do not believe it is necessary for the Minister to enter into any kind of presumption of death. The Minister can discontinue payment because the child is no longer in the custody of whoever has that child's custody.

I suggest that there are two arguments with regard to the inappropriateness of a Minister taking it upon himself or herself to assume death. My opinion, which is backed up by certain legal opinion, is that the right to determine death and to note it in law is the right of the provinces because they have the sole jurisdiction over the registration of births, marriages, deaths and all vital statistics. Therefore, it is not necessary for the Minister to make any presumption or assumption of death and consequently it is not necessary for the Minister to make any reference in this Act to the authority to make that assumption.

For example, in the case of the Air India disaster, the Minister said that he would assume that everybody died. I suggest that it is not his assumption to make, as a matter of law. He can discontinue payment because anyone entitled to payment under this or any other Act could be assumed not to be in the custody of the person under whose custody they were intended to be. Legally, however, he should wait for the official notification of the determination of death from the appropriate jurisdiction before he draws that conclusion.

I admit that there is certain merit to the Minister's concern. I acknowledge that it could be assumed that a child could have died on the date the body was found. I appreciate the concern he has shown in that regard. However, I suggest that in order for the Minister to assume death he must wait for whatever documentation is issued from whatever jurisdiction, whether it is a province, a state or another country, to show that death has occurred before he can make that assumption. That is how the Bill before us is somewhat flawed and why I would ask him to consider this question overnight. I will have more to say about this tomorrow. The Hon. Government House Leader says that he would like to have a couple of words before we adjourn.

Mr. Hnatyshyn: A couple of words.

• (1810)

Mr. Deans: I want to assure the Government House Leader that it is my intention to spend an hour or even more with him