What the Hon. Member is moving is that that Clause be amended to define a child as being someone who is under the age of 18 years in both situations.

That is not, in my respectful submission, Mr. Speaker, a substantive amendment in that it does not, for example, redefine or eliminate the definition of a child to include, for example, a male child or a female child. It simply extends the definition in terms of age which is different from a substantive amendment which refers to a child by height or weight or whatever. This refers to a child by age and by simply defining "child" as 18 years of age rather than 16, one is simply expanding the definition of "child".

The purpose behind the amendment is to enable the courts to provide support for 16 and 17 year olds, children under the age of 18 years. Under the proposed legislation the court can only deal with children who are 16 years of age.

Mrs. Finestone: Under 16.

Mr. Nunziata: Under 16 years of age, yes. What we in the Official Opposition want is to raise the age because we believe that a child of 17 years is a child of the marriage.

Mr. Speaker: Now the Hon. Member is making a procedural argument. So that I am clear, I take it the Hon. Member is trying to tell me that an increase in the age is not, in his view, a substantive amendment. Is that what the Hon. Member is trying to say?

Mr. Nunziata: Yes.

Mr. Speaker: Thank you. I will be glad to consider that argument. Does the Hon. Member have something to say on Motion No. 16? It is entirely unclear to me.

Mr. Nunziata: It is unclear, Mr. Speaker.

Mr. Speaker: I cannot tell what is its purpose and intent.

Mr. Nunziata: It is also unclear to me because there appears to be an error in the printing of the text of the motion. I will tell you why, Mr. Speaker. The motion reads, and I quote:

—(*a*) by striking out line 41 at page 12—

And if one turns to page 12, one finds there is no line 41. That is the problem.

Mr. Speaker: That is part of it.

Mr. Nunziata: Therefore, Mr. Speaker, I do not know what it means.

Mr. Speaker: The motion is in your name.

Mr. Nunziata: It is, but it talks about striking out a line which does not exist. So there is an error.

Mr. Speaker: For clarification, is the Hon. Member saying that this Motion should not be here?

Mr. Nunziata: The Motion as it was printed is incomprehensible, Mr. Speaker. The author of the incomprehensibility is not this Hon. Member. It happened when the motion was printed. If the Chair could set the matter down, I will try to determine what those who did the printing were intending or what motion of mine they were addressing.

Mr. Speaker: I thank the Hon. Member. I am prepared to stand Motion No. 16 down, get a copy of the notice of Motion which was actually submitted to the Table and try to figure it out from there.

If there are no further procedural arguments, as Hon. Members would expect, I want to think about the words which have been put to me with regard to Motions Nos. 2, 3 and 3B. They appear, with the exception of the reservation with regard to Motion No. 16, to be the only motions about which Hon. Members have some concern. I, therefore, intend to confirm the ruling which was given earlier, with the exception of Motions Nos. 2, 3 and 3B, and Motion No. 16 is still reserved, while I review the words which have been said. I cannot call Motions Nos. 1, 3A and 3B because 3B is subject to representation by the President of the Privy Council (Mr. Hnatyshyn). Therefore, I propose to call Motion No. 18.

Is that understood?

Hon. John C. Crosbie (Minister of Justice and Attorney General of Canada) moved:

Motion No. 18

That Bill C-47, be amended in Clause 16 by striking out lines 15 and 16 at page 13 and substituting the following therefor:

"Section (6), the court may include in an order under this section a term requiring any person who has custody of a child of the".

Mr. Speyer: Mr. Speaker, this is a very simple motion. It was brought to our attention during the course of the prestudy by the Senate. As many Hon. Members who were at the Justice Committee will remember, it was the general consensus that some type of notice ought to be given when one parent was going to change residence. The Canadian Bar Association brought to the attention of the Senate that the amendment which was made at committee stage was ambiguous. As drafted, this could be interpreted as only allowing the court to make such an order where the custodial parent intends to change the child's residence at the time that custody is granted. That was not what was intended. It may very well be that a court would refuse to interpret the section that way but, as legislators, we want to make sure that there is no ambiguity.

What we want to do is to amend Section (6) to make it absolutely clear that the courts have jurisdiction when the intention to change a child's residence is formed at any time after custody is granted. This is nothing more than a clarification suggested by the Canadian Bar Association so that at any time after custody notification has been given, as well as at the time the custody order is made.

• (1650)

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.