

Family Allowances Act, 1973

we thought we had to go further, especially in view of the unfortunate increase in the number of missing children.

The theory behind the amendment was that when a child was missing and its body was found at a certain date the Minister of National Health and Welfare would have the discretionary power, for family allowance purposes only, to declare the presumption of death on the date the body was found. In that way the parents would not have to repay moneys for the period of time that the child was missing. I think that is a humanitarian response to a very difficult social issue.

That is the intention, Mr. Speaker. With all respect, I believe that the wording does that, but some people will argue that it is archaic. Therefore, in order to facilitate the work of the House and the committee, the argument is to use the words which are in the legislation because they are judicially parallel to legislation now on the books. The question is whether we can improve on it. We have looked at this very seriously. I hope that this may assist you, Mr. Speaker, and all Members in tomorrow's discussion.

The Member for York East (Mr. Redway) has indicated that he will not move Motion No. 8. That is acceptable to the Government. When we come to that point, we will accept Motion No. 9. The Member for York East has been very helpful on this issue. He has been working hard on it. I believe this helps in terms of clarification. I think there is a general understanding that the words of the amendment of the Hon. Member will resolve the issue more fully than would those in the original text. I want to convey to the House that that is what we intend to do at the appropriate time. I think that Member and others for bringing this matter to our attention.

I stress again that this is for family allowance purposes only. I obviously cannot deal with provincial jurisdiction. I think this is helpful and I thank Hon. Members. I also thank those who appeared before the committee as witnesses who tried to convey to us how we could resolve a very difficult issue.

There are, however, different situations. One example is the tragic Air India crash. I think that most people would accept the presumption of death of all on that aircraft. That would enable us to close those accounts in consultation with the parents who experienced the tragic loss of a child. That is obviously a case in which children are missing for other reasons. I believe, Mr. Speaker, that Motion No. 9 meets those conditions. I thank the House for giving me the opportunity to explain it.

Mr. George Baker (Gander-Twillingate): Mr. Speaker, I would just like to say a few words with regard to this particular grouping of motions. As has been pointed out, the motions which have been grouped concern more than one clause. The Minister referred to one particular clause, but the motions which have been grouped deal with two separate clauses. In the debate on this particular grouping no one has yet referred to the main amendment moved to Clause 4. Perhaps I could refer to that for just a moment.

I see one basic thing which is wrong with the motion submitted by the NDP. I think it is the same error as that made by the Minister's Department in the wording of the Bill. It is not a major point but it certainly illustrates the faults of the Government. The word "remission" is used rather loosely. The word "remit" is used in the wording of this particular clause as meaning that the Minister would cancel the amount owing the Crown. As you know, Mr. Speaker, the word "remit" does mean "forgiveness", such as in the forgiveness of sins. Perhaps that is what the Minister was referring to in illustrating the point. Certainly the word "remittance" would mean that you are making a payment. Is there any other definition of "remittance"? Of course there is not.

Therefore, the word "remit" that is used in this particular clause is somewhat confusing. I wonder what a judge would say if he were presented with an argument based on the word "remit". "Remit the amount" would mean to pay the amount in one case and to forgive the amount in another. That is the standard wording used in other Bills to cancel amounts owing. For example, under the Unemployment Insurance Act "to forgive an amount" means to cancel that amount. There is certainly a major fault in this particular clause.

It is strange, Mr. Speaker, that the Government says in one section with regard to the Government's responsibility that there should be ministerial authority to forgive an amount of money owed the Crown because of an overpayment and then, in another branch of his Department, namely in the disabilities section, the Government creates a deal with provincial Governments whereby the amount owed by this Department for disability can be transferred to the treasury of a provincial Government because a person was paid welfare payments. As the Government took over we saw increased co-operation between the federal and provincial Governments in taking the majority of a man's cheque to which he was entitled. The disability which is owed to a gentleman under Canada Pension is being paid to a provincial welfare department because he just happened to be on his back, sick and had to collect social assistance in the meantime.

● (1800)

The Minister and Government then seek praise for bringing in this particular clause. No one disagrees with its general intent. But the Government forgets what it has also set in motion in other branches of his Department.

The clause which is used here states: "Repayment of the amount or excess of the amount which caused undue hardship to a person or institution". That clause is used in every regulation of the Government of Canada in order to forgive an amount of money owed the Crown because of hardship. I have not seen one case since the Government came to power when it used this wording to forgive amounts of money owed the Crown by a poor person who was obligated to repay as a result of a regulation of the Government. There has not been one case pursuant to any regulation in the Unemployment Insurance Act by which the Minister of Employment and Immigration (Miss MacDonald) or any other Minister of the Crown