

Family Allowances Act, 1973

Members

Howie
James
Jardine
Jepson
Johnson
(Bonavista-Trinity-
Conception)
Kempling
Landry
La Salle
Layton
Leblanc
Lesick
Lewis
MacDonald
(Kingston and
the Islands)
Malone
Mantha
Marin
Martin
Mazankowski
McCain
McCrossan
McDermid
McDougall
(St. Paul's)
McKinnon

McKnight
McLean
McMillan
Merrithew
Minaker
Mitges
Moore
Nicholson
(Niagara Falls)
Nickerson
Nielsen
Oberle
O'Neil
Paproski
Pennock
Peterson
Plamondon
Price
Ravis
Reid
Reimer
Ricard
St. Germain
Schellenberg
(Nanaimo-Alberni)
Schellenberger
(Wetaskiwin)

Scott
(Hamilton-Wentworth)
Scowen
Siddon
Sparrow
Speyer
Stackhouse
Stewart
Suluk
Taylor
Thacker
Towers
Tremblay
(Lotbinière)
Tupper
Turner
(Ottawa-Carleton)
Valcourt
Vincent
Weiner
Wenman
White
Wilson
(Swift Current-
Maple Creek)
Wilson
(Etobicoke Centre)
Winegard—124.

Friesen
Gagnon
Gass
Gérin
Gervais
Gormley
Gottselig
Graham
Gray
(Bonaventure-Îles-de-
la-Madeleine)
Grisé
Gurbin
Gustafson
Halliday
Hardey
Hawkes
Hicks
Hnatyshyn
Holtmann
Horner
Howie
James
Jardine
Jepson
Johnson
(Bonavista-Trinity-
Conception)
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Wenman
White
Wilson
(Swift Current-
Maple Creek)
Wilson
(Etobicoke Centre)
Winegard—124.

Mr. Speaker: I declare the motion lost.

Motion No. 5 should have the same vote recorded to it as Motion No. 4. Mr. Malépart, seconded by Mr. Baker, moves:

Motion No. 5

That Bill C-70, be amended in Clause 5 by striking out lines 14 to 47 at page 3 and lines 1 to 8 at page 4.

The House divided on the motion (Mr. Malépart) which was negated on the following division:

(Division No. 175)

YEAS

Members

Althouse
Benjamin
Berger
Blackburn
(Brant)
Boudria
Broadbent
Caccia
Cassidy
Capps
Deans
de Corneille
Dingwall
Finestone
Foster
Frith
Garneau

Gauthier
Gray
(Windsor West)
Heap
Henderson
Hopkins
Hovdebo
Kaplan
Keeper
Langdon
MacLellan
Malépart
Marchi
McCurdy
McDonald
(Broadview-Greenwood)
Mitchell

Murphy
Nicholson
(Trinity)
Nunziata
Orlikow
Ouellet
Parry
Penner
Pépin
Prud'homme
Robichaud
Robinson
Rompkey
Rossi
Tobin
Young—46.

NAYS

Members

Attewell
Beatty
Belsher
Bernier
Bertrand
Blais
Blenkarn
Blouin
Bourgault
Brightwell
Brisco
Browes
Cadieux

Cardiff
Clark
(Brandon-Souris)
Comeau
Corbett
Côté
(Lac-Saint-Jean)
Crofton
Darling
Daubney
de Cotret
Della Noce
Desjardins

Dick
Domm
Dorin
Duplessis
Edwards
Elzinga
Epp
(Provencher)
Fennell
Ferland
Fontaine
Fraleigh
Fretz

Mr. Speaker: I declare the motion lost. On Motion No. 6 the same vote is applied as that applied to Motion Nos. 4 and 5. Ms. Mitchell, seconded by Mr. Deans moves:

Motion No. 6

That Bill C-70 be amended in Clause 5 by striking out lines 20 to 47 at page 3 and lines 1 to 8 at page 4 and substituting the following therefor:

"15.1 (1) Where a child has, either before or after the coming into force of this section, disappeared under circumstances that raise a presumption that the child is dead, the Minister may apply to a court of competent jurisdiction in the province or territory where the child usually resides for an order declaring, according to the law of the province or territory, that the child shall be presumed to be dead; thereupon the child shall be deemed for all purposes of this Act to have died on the date stated in the court order.

(2) If, after obtaining a court order under subsection (1), the Minister receives new information or evidence that the date of death is different from that stated in the court order, the Minister may, with leave of the court, apply to the court for an order to vary, amend or revoke the order previously made, in which case the child named in the court order shall be deemed for all purposes of this Act to have died on the date so stated in the new court order.

(3) If, after obtaining a court order under this section, the Minister is satisfied from new information or evidence that the child named in the court order is alive, the Minister shall forthwith cause to be paid any allowance that would have been payable in respect of the child if the order had not been made.

(4) Subject to subsection (3), the Minister is bound by the law of the province where the child normally resides in respect of the issuance and revocation of death certificates and the making, variance and revocation of orders of presumption of death."

The House divided on the motion (Ms. Mitchell) which was negated on the following division: