

*Family Allowances Act, 1973*

board are DND personnel and dependants. They understand the problems faced by children who change from school to school all the time. This does not strike the Deputy Prime Minister. If anyone should rise in defence of the families of military personnel, it should be the Deputy Prime Minister and Minister of National Defence. He should not be meandering into his committee meetings trying to find out where he can save a couple of million dollars here and there at a time when the Government is being blamed for not controlling the deficit. Analysts are giving that as the reason for the value of the Canadian dollar. The Tories are meddling around with little things, making huge promises which they know they cannot keep and in the end are taking it out on low-income families.

● (1250)

**Ms. Lynn McDonald (Broadview-Greenwood):** Mr. Speaker, I am rising today to speak on the amendments to Bill C-70, an Act to amend the Family Allowances Act. Unlike the previous speaker, I will confine my remarks to the subject at hand, that is, the issue of missing children and the presumption of death.

We object most strenuously to the whole Bill. It is oriented to deindexing the family allowance. It shows great insensitivity to the needs of families across the country. Every family will be affected. However, the amendments with which we are dealing now affect only a very small number of people. The amendments which the Government has put forward are wrong, and we have an alternative which we think is very much better.

While the Government consulted the community about the family allowance and the whole child benefits support package, it ignored the advice it was given. In the case of missing children and the presumption of death, there was not even a consultation. What happened was that the Government stuck in a few clauses in the Bill on family allowances deindexing. We are faced with having to deal with quite a different subject, the jurisdictional problems and the lack of consultation problems that arise.

Let me begin with the failure of the Government to consult on the whole issue of presumption of death. Only one group was allowed to present a brief before the legislative committee. It was Child Find Quebec. It certainly provided some information, but many other groups would have liked to have been consulted. There was not an opportunity for the groups which work on these issues to get together and come up with a united front. The clause was sprung upon the groups on very short notice. They had to respond without adequate opportunity for their own consultations. When suggestions were made that there should be additional consultations, these were turned down, although the Government admitted that consultation had been inadequate and that the groups might have something practical to offer at committee stage. It admitted that, but did not in fact follow its own advice, as it were, to listen to that information.

Rather than take the opportunity to consult, the Government has taken a very simplistic approach, that is, to give the

Minister unwarranted powers. This is not simply an administrative matter of who will decide about presumption of death. I want to note some objections to that and the fact that there are some real consequences. Families will be hurt if this amendment as it is currently framed goes through. The parents of missing children will have their family allowances cut off. This is at a time when they may well be very energetically continuing the search for their missing children. Sometimes the family allowance can be cut off sometimes after three months and sometimes after six months of the child being missing. In any event, many families may search for their children for a greater period of time than that. They are faced with costs. They are making long-distance telephone calls, consulting lawyers, hiring private investigators and placing ads in newspapers. They are using money to pursue the search for their own children. At a time when they need support, the Government will take away from them the very modest amount of support which is presently being given through the family allowance.

Death should not be presumed by the Minister on the basis of any kind of arbitrary criteria. The laws of the country very clearly indicate that the presumption of death, as other matters of vital statistics, comes under the purview of the provinces. There has been a long tradition of that, and legislation very clearly indicates it. This is an example, for the administrative convenience of the federal Minister of National Health and Welfare (Mr. Epp), of an invasion of a traditional provincial field. There is no reason for it; there are alternative ways to deal with the matter.

Our proposal contains four parts. It begins:

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.

If we did this, we would have full respect for provincial jurisdiction in this area and in a way which is entirely practical. It continues:

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.

That is perfectly self-explanatory. It continues:

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.

Again that is quite self-evident. Finally, it continues:

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.