

Divorce Act

to Section 6 of the Divorce Act, which only applies to the transfer of divorce proceedings where there is a custody application, and where the essence of it is whether or not the child is substantially connected to one province or another. What you have is a hiatus, which I think the Hon. Member for York South-Weston (Mr. Nunziata) was alluding to, in these situations. You would not have, in light of the ruling that was made—quite proper in my view—

Mr. Speaker: Could I invite the Parliamentary Secretary, and all others, even when they have nice things to say about the Speaker's rulings to just say nothing.

Mr. Nunziata: Quit stroking, we can see right through you.

Mr. Speyer: Mr. Speaker, the factual situation is that in light of the ruling that has been made there would be no definition of a child whatsoever. This is totally inadequate. By putting it under Section 6, which only deals with the transfer of divorce proceedings, under which the child comes within provincial jurisdiction, it makes absolutely no sense. I am not even going to deal with the merits, except to say this with respect to moving it from 16 to 18. We have heard from the Canadian Bar Association, the Quebec Bar Association, and both women's and men's associations, and not once has this ever been a problem to anybody. Over the whole range of the Act we have had numerous difficulties and policy choices. Until it was brought to the attention of the House by the Hon. Member, who I know feels very sincerely, it has never been a practical problem. If there is nothing wrong, what do we have to fix?

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

Some Hon. Members: Questions.

Mr. Speaker: The question is on Motion No. 1 standing in the name of the Hon. Member for Mount Royal (Mrs. Finestone). Is it the pleasure of the House to adopt the motion?

All those in favour please say yea.

Some Hon. Members: Yea.

Mr. Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Speaker: In my opinion, the nays have it.
Motion No. 1 (Mrs. Finestone) negatived.

Mr. Speaker: That obviates the question on Motion No. 3B.

Therefore, the remaining question is on Motion No. 3A standing in the name of the Hon. Member for Mount Royal (Mrs. Finestone). Is it the pleasure of the House to adopt the motion?

All those in favour please say yea.

Some Hon. Members: Yea.

Mr. Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Speaker: In my opinion, the nays have it.
And more than five Members having risen:

Mr. Speaker: Pursuant to Standing Order 79(11), the recorded division on the proposed motion stands deferred.

The question is on Motion No. 24 standing in the name of the Hon. Member for Calgary East (Mr. Kindy).

Mr. Kindy is not here. Does anybody seek consent of the House to move the motion in Mr. Kindy's name?

I cannot call the motion.

Motion No. 28.

Mr. Nunziata: On that point, I know that Mr. Kindy, who happens to be a member of the governing Party—he is a Conservative Member and with respect—

● (1740)

Mr. Speaker: Order, please.

Mr. Nunziata: I would ask that his motion—

Mr. Speaker: Order, please. Is the Hon. Member seeking to present the motion in his name for the Hon. Member for Calgary East (Mr. Kindy)?

Mr. Nunziata: Yes.

Mr. Speaker: The Hon. Member for York South-Weston (Mr. Nunziata) is seeking unanimous consent for the right to present the motion in the name of the Hon. Member for Calgary East. Is there such unanimous consent?

Some Hon. Members: Yes.

Some Hon. Members: No.

Mr. Speaker: There is not such unanimous consent. Therefore, we will go on to Motion No. 28.

Ms. Copps: You won't even stand up for your own Members.

Mr. Nunziata: You won't even wait until tomorrow so he can argue his own motion. That's how you treat your own Members. What about enhancement of the private Member?

Mr. Speaker: Would the Hon. Member for York-South-Weston (Mr. Nunziata) please come to order?

Mr. Nunziata: Thank you. I think I have made my point.

Mrs. Sheila Finestone (Mount Royal) moved:

Motion No. 28

That Bill C-47, be amended in Clause 16 by adding immediately after line 44 at page 13 the following:

“(11)(a) Where one person is granted sole care and control of the child(ren) of the marriage under this section and manifests an unwillingness to comply in whole or in substantial part with the terms of an order respecting maximum contact with the child made under this section, or where reasonable grounds to