

Oral Questions

concerned, and also gave the minister discretion as to who, or who should not, get information that is available, switching that responsibility from the commission—which is always within the parameters of the legislation—to the minister.

Mr. Joe Clark (Leader of the Opposition): Mr. Speaker, my supplementary question is to the Minister of Justice. It is supplementary to that put by my colleague, the hon. member for Kingston and the Islands. The Commissioner of Human Rights stated in September, in testimony to a committee of this House, and I quote him, "I think . . ."—speaking of the proposal that is incorporated in the bill introduced by the Minister of National Health and Welfare—" . . . is contrary to the Canadian Human Rights Act." In other words, there was notice two months ago from the commissioner of his considered view that the legislation being introduced was in violation of the Human Rights Act.

Can the minister tell us—I notice he has had a conversation in the interim with the Minister of National Health and Welfare—if his memory has been refreshed as to whether an investigation has made been by the commissioner? If there was not, can he explain to the House why, when alerted by the commissioner, neither the Minister of National Health and Welfare nor the Minister of Justice ordered that such an investigation be made?

Hon. Otto E. Lang (Minister of Transport and Minister of Justice): Mr. Speaker, incidentally, my memory is not refreshed because we were not speaking about an investigation into the matter. I should say to the hon. Leader of the Opposition, since he now makes it a matter for debate when the bill is before the House, that it seems obvious the proposal in the bill has the same kind of effect as the operation of family allowances generally. In that sense it is an improvement, only in the sense of helping the poor people more and not in any other way—a change in the fundamental principle or application of the law.

Since, therefore, it is a question for parliament to address itself to, to try to fill this issue at some point in time but not necessarily at this point in time, I make the very important point to the Leader of the Opposition that this same problem—if it is a problem—or to the extent that it is a problem, applies to the existing family allowance law. As a result, we would have to address the problem in a larger way. But in objecting to the particular change, all that he is objecting to is a transfer of more of the funds from family allowances in that broad area to families with many children and very low incomes.

Mr. Clark: Mr. Speaker, I have no intention of abusing the question period to debate, except to say the minister is wrong. But let me ask a question of the Minister of National Health and Welfare, who is responsible for the passage of this legislation through the House of Commons. We now have an invitation from the Minister of Justice that there will be an inquiry made as to whether or not the minister's proposed legislation violates the Human Rights Act. Could the minister tell us if

[Mr. Cullen.]

she is advised that it will in fact, violate the Canadian Human Rights Act if she introduces an amendment?

Hon. Monique Bégin (Minister of National Health and Welfare): Mr. Speaker, I have been advised, and I told the House last night—I regret the hon. Leader of the Opposition was not there at that very crucial moment—

An hon. Member: Shame!

Miss Bégin:—that the point made by the Commissioner of the Human Rights Commission seems invalid. I am repeating that. I would like to repeat that all welfare programs in Canada, be they federal, provincial or municipal, operate on the basis of the parental income of the family unit, not the tax system. The tax system is based on individual taxation where both partners are treated equally. Discrimination there may be when a spouse can claim his other spouse as a dependant, therefore benefiting the material status in terms of additional tax privileges. That is not for me to judge: that is the nature of the Income Tax Act of Canada.

There may be another discrimination in that the bill creating the new child tax credit will have the cheques sent to mothers: that is the feature of the bill of which I am most proud, Mr. Speaker.

Some hon. Members: Hear, hear!

Miss Bégin: That means besides redistribution, about \$120 million additional cash will be in the hands of women in Canada.

Some hon. Members: Hear, hear!

Mr. Clark: Mr. Speaker, I must assure the minister that I had the great privilege of watching her on television last night.

Some hon. Members: Hear, hear!

Mr. Clark:—and I appreciate that she missed my absence in the House.

Some hon. Members: Hear, hear!

Mr. Clark: I presume that her leader, who was absent from the debate, was also watching her on television.

Some hon. Members: Hear, hear!

Mr. Clark: But my question is, and it is quite important: is it the view—

An hon. Member: Simmer down.

Mr. Clark: I will refer the hon. member to the CRTC.

Some hon. Members: Oh, oh!

Mr. Clark: Is it the view of the Minister of National Health and Welfare and, therefore, of the government, that this bill as it stands, in the event of conflict with the Canadian Human