

Criminal Code

be reminded of that, but it may be, as the hon. member for Rosetown-Biggarr suggested, that people from other countries do need to be reminded of it. In any case, the law relating to the lawful or unlawful adoption of babies which contains, or should contain, the answer to my hon. friend's question, is available in modern Canadian statutes. The laws relating to the means whereby the natural parents of children may lawfully relinquish their parental rights and responsibilities in favour of new parents by adoption are set out in the adoption statutes passed by, and clearly within the powers of, the various provincial legislatures of Canada. Indeed, no subject matter of legislation enactment is more peculiarly within provincial jurisdiction than the relationship between parents and children.

Where steps taken by the natural parents or others for the relinquishment by the natural parents of their parental rights and responsibilities in favour of new parents by adoption are contrary to the relevant provincial adoption statutes, these steps may constitute an offence under these provincial statutes and may make the purported adoption itself invalid. It would seem that the law relating to adoption should remain within provincial jurisdiction and should not be overridden in any way by federal legislation defining, as a crime, actions now unlawful under, or offences created by, provincial adoption statutes, unless it can be shown that abuses under the provincial laws have arisen which cannot be cured by amendments to the relevant provincial statutes, and these abuses are so great as to warrant the passage by the federal parliament of a criminal law dealing with this subject.

The most careful consideration, therefore, would have to be given to any proposal that the federal parliament should interfere with the operations of the provincial adoption statutes by defining as a crime those things which they prohibit or should prohibit. The criminal law, I suggest, is rather a blunt and harsh instrument with which to deal with the relationship between parents and children, which is now regulated by provincial statutes drafted in each province to meet what are considered by the legislatures of each province to be the needs of each province.

I may say, Mr. Speaker, that some time before this matter was raised in the house yesterday by the hon. member for Ottawa East we in the Department of Justice had been keeping the proceedings in Montreal under observation. Of course, while they are under consideration by the courts, it is

improper for us to discuss them here except in the most general terms in which I am referring to them today. We can continue our discussion of the matter, I think, to much greater advantage after these court proceedings are completed, when it will not only be proper to discuss them but when we shall have all the facts and be able to clearly see the legislative problems for the provincial legislatures or for this parliament which those facts present.

Hon. George A. Drew (Leader of the Opposition): The Minister of Justice has gone to some length, Mr. Speaker, to explain why the impression that was conveyed yesterday is not consistent with the one he seeks to leave with us today. I am, however, under the impression that many members will still wonder what his opinion is today. The situation that was obviously behind the question that was asked is a simple one. Is it or is it not to be made a criminal offence to traffic in children or other human beings? That is the question, and the answer, in effect, still is that it is not the intention of the government to introduce into the Criminal Code any provision that would make this an offence.

Mr. Garson: Quite apart from the question of whether or not the hon. member is in order in making his present contribution to the debate, might I ask him to recall a statement which I made less than two minutes ago to the effect, not that we would refuse to consider the legislation which he says we are refusing to consider, but that we should delay consideration of it until we have before us those facts upon which we could base an intelligent consideration of it.

Mr. Speaker: I am rising at this moment to say that the question which was asked yesterday by the hon. member for Ottawa East, had it not been so short and had the Minister of Justice (Mr. Garson) not replied so quickly and had I thought more rapidly, would have been ruled out of order. It is not in order in this house to ask the Minister of Justice for legal opinions. Before the orders of the day are called we may ask questions for information on facts or policy. It looks as if the question now put by the hon. member for Ottawa East has caused the Minister of Justice, at the request of the hon. member for Rosetown-Biggarr, to make a statement on the order for motions.

The statement has been made, and I do not think we ought to introduce a debate upon the matter or go beyond the statement. Hon. members must keep in mind that this afternoon we will be studying in committee sections of the Criminal Code. I would imagine