

Bill C-34, to amend the Canada Labour Code and the Financial Administration Act, be read a second time and referred to the Standing Committee on Labour, Manpower and Immigration.

Is it the pleasure of the House to adopt this motion?

**Some Hon. Members:** Agreed.

Motion agreed to, Bill read the second time and referred to the Standing Committee on Labour, Manpower and Immigration.

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[English]

**DIVORCE ACT**  
MEASURE TO AMEND

The House resumed from Friday, May 11, consideration of the motion of Mr. MacGuigan that Bill C-10, an Act to amend the Divorce Act, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

**The Acting Speaker (Mr. Herbert):** When the House adjourned on the last day of debate on Bill C-10, the Hon. Member for Prince Albert (Mr. Hovdebo) had the floor.

**Mr. Stan J. Hovdebo (Prince Albert):** Mr. Speaker, at four o'clock on May 11, a month ago, I was talking about the situation which the law required under the present divorce Bill. I was talking about the concern we should have with the need to establish blame, that it should not be carried on. Proving blame, adultery, cruelty, or whatever hardly promotes amicable relations for arranging maintenance, custody, and for visiting children when there are children involved. The key to this Bill and the reason we are not supporting it is that it is so deficient in the area of maintenance.

Just before I leave the matter of establishing blame, I would like to read into the record a statement made by The Catholic Women's League of Canada in a brief which the League presented in May 1983 wherein it backs up this particular position. It reads:

... the accusations and counter-accusations of the present adversarial system seem to do a great deal of harm to the familial relationship which often times must survive the dissolution of a marriage because of children. Accordingly it is our submission that the best interests of all parties concerned, including children would be best served if the only ground for divorce were permanent breakdown of the marriage.

The second portion of this Bill has to do with the one-year waiting period. This used to be three or five years depending upon the circumstances. Some groups have even suggested that we eliminate it totally and have no waiting period, that the application for divorce should just go ahead. Some groups, such as the National Association of Women and the Law and the Canadian Bar Association have opposed this one-year term. We also have a large group of people concerned, probably reasonably so, about the possibility of an approach to marriage and divorce which you could call divorce on demand.

*Divorce Act*

This one-year waiting period is a compromise. I think it is an acceptable compromise for most people between the feared divorce on demand and the five-year requirement which is in the present structure.

The other area, which I think is probably the most important part of this Bill and is a real deficiency in it, is its lack of dealing with maintenance. The points I will be making will no doubt be reiterated here many times by many speakers. Because we are pointing out the shortcomings, with which I hope the committee will deal when the bill gets there, it will not hurt to repeat the deficiencies and to keep on repeating them until the Government thinks it thought of them and makes the appropriate changes in the Bill.

This divorce Bill could have very negative economic consequences for the recipients of maintenance orders. As we know, most recipients of maintenance orders are women. The Bill sets out self-sufficiency as the goal of a person after divorce. While this would be a very desirable goal in theory, in reality it is unattainable for many people and almost impossible for a large group.

• (1550)

We should deal with the particular deficiencies of the Bill as we go along. The first is the time limit on orders. The Bill would place time limits upon maintenance orders which could not be varied after they expire. This would cause much hardship for people receiving maintenance who are unable to adjust during the time limit established. The Bill will establish the principle of short-term maintenance orders.

The best way to approach this matter is by presenting some examples. There is the case of a 55-year old woman who has been deserted by her husband. They live separate and apart for one year and then apply for a divorce. This particular woman has been a homemaker for 30 years and has no marketable labour skills. Under the Act she will be required to become economically self-sufficient. She might be awarded short-term maintenance for the purpose of job training or retraining, depending upon the situation, for time to search for a job and for readjustment. She is given two years of maintenance and, if she has been unable to obtain a job or keep a job, after that period she is on her own. She can return to the court for an extension only if the time period has not expired. Suppose she obtains a job but loses it just after the two years is over. Then she is out of luck entirely. Therefore, we must strongly oppose this time limit.

As the Canadian Advisory Council on the Status of Women put it, who knows exactly how long it will take a woman with young children or an older woman who has never been in the labour force to become economically self-sufficient? The Council included that in a press release dated January 20, 1984. What are the prospects at this particular time for any