

Divorce Act

20-minute speeches that come afterwards. Therefore, the Hon. member for Mount Royal may now start.

Mrs. Sheila Finestone (Mount Royal): Mr. Speaker, I am pleased to have the opportunity to speak on a subject so close to the daily lives of all Canadian families. Divorce law relates to all of us, whether directly through personal experience, or indirectly through a family member or friend. There are very few places throughout Canada where personal lives have not been touched by divorce or separation in some form or another. We all acknowledge that it is a painful and difficult experience which requires very sensitive care.

I think we all acknowledge that the time had come for change in our divorce laws, but change in, of, and for itself is just not enough. When children are involved and two adults can no longer get along living together and agree to a divorce, it is important that the adults are able to remain as caring, concerned parents, that access to their children is accommodated, and that the children are traumatized as little as possible as a result of the marriage breakdown. We must endeavour as well to ensure that the continuity of their lifestyle be maintained. Wherever and however possible the use of children as pawns to settle scores, to punish or to reward, must be minimized. There is enough unhappiness, sorrow, and frustration without manipulating our children. That is totally unacceptable.

Over all, Mr. Speaker, Bills C-46, 47, and 48 introduced by the Minister of Justice (Mr. Crosbie) resemble the proposals of the previous Liberal Government in January of 1984 with some exceptions which, regrettably, are serious. However, I do not wish to say that this is not a good Bill in that it is needed in today's society. It is a good step forward. I am pleased that the Minister brought it in and I felicitate him and the Chairman of the Committee, and, in particular, his Parliamentary Secretary, for their hard work. I think that this Bill will bring about increased social justice *malgré* all its warts.

With respect to the measures the Minister has addressed, and in that he is prepared to be open-minded and hear new arguments, I would say that we have moved forward and I am pleased with this Bill. However, I think it is important to reiterate those areas with which I have concern and those principles which our Party believes are concrete proposals for change within the divorce legislation.

These are, first, to accommodate reconciliation by requiring, where possible, a neutral third party rather than legal counsel of either spouse, who are certainly not unbiased parties, to convene a conference. This mandatory conference should take place in a neutral environment to explore all the possibilities open to these families which include mediation, reconciliation, and the introduction of a lawyer to represent the children's interests. There are many, many options with regard to reconciliation or the termination of a marriage. These are very important issues.

● (1620)

Second, to reduce recrimination by eliminating those sections of the Bill dealing with grounds for divorce based on fault in favour of marriage breakdown as the sole ground for divorce. That has been a major plank of the Liberal view of how divorce should proceed in this country when we are close to the 21st Century.

My third point with respect to the Liberal stand concerns the elimination of the language of "custody" and "access" and replaced these confronting words with the principle of "shared parenting". The shared parenting or co-parenting principle is a much more human approach which we should be considering. I wanted to change the language because it is a vehicle of culture. We know that language can impact on a society and, particularly, direct the courts and the parties who are reading this Bill.

The Bill is not written only for legal counsel, it is written for people upon whose lives it will impact. For that reason I and my Party recommended and defended as best we could the use of language such as "care and control" when talking about custody and "contact" when we refer to access. Unfortunately, that was ruled out of order. Care, control and contact are soft words that indicate we want a non-confrontational, less adversarial approach in this Bill. It would consider the privileges, rights and responsibilities of the mother and father and keep in mind the grandparents and the rights of children to maintain a healthy, balanced relationship with all members of their family. We know that there is nothing stronger than a strong family unit.

The fourth point we want to stress is the strengthening of Bill C-48, the related Bill regarding maintenance enforcement by creating the National Maintenance and Custody Orders Enforcement Agency as a central repository for enforcement of maintenance and custody orders. The Government's move to have centralized information is only one step toward the action that will be required in order to relieve the personal anguish and suffering due to the lack of contact with one's children as well as—

[*Translation*]

—the hunger one feels in the stomach—

[*English*]

—because we do not get the money we require to support our families.

[*Translation*]

Mr. Speaker, there are rather serious deficiencies in this legislation, and I hope that the Minister, who has shown some openness of mind this afternoon, will reconsider at the last minute his refusal of our amendment proposals and will accept to open up this legislation to make it more humane and better able to meet the needs of Canadian men, women, and especially children.

[*English*]

Presentations to the committee by groups such as the National Action Committee on the Status of Women, the Canadi-