

*Divorce Law Reform*

church laws, canon laws, and if the only way to dissolve the remaining civil link is through divorce, then divorce in such a case is perfectly admissible.

I think this is borne out by the very large support we have had from many of the Christian churches in Canada for the reform of the divorce laws. I want to thank particularly the authors of a brief which was presented to me by representatives of the Anglican Church of Canada, the Canadian Catholic Conference, the Lutheran Council in Canada, the Mennonite Central Committee, the Presbyterian Church in Canada and the United Church in Canada. They, to single out this example, brought forth a very interesting and well thought out brief. Indeed, in some aspects they have gone perhaps further in the area of grounds for divorce than this government has gone in the law that is before hon. members.

I will explain later why we have not felt it wise on legal grounds to go quite as far as the churches have recommended; but surely the fact that they were prepared to go further than us should reassure those members who feel that on grounds of conscience they should hesitate before voting for this law.

Having gone through the analysis of these evils, and seeing that the only proper remedy was to bring in a new divorce law, this is what we proceeded to do.

I should say at this point that we are not attempting in this law to deal with the causes of divorce. One hon. member last night, when speaking at the resolution stage, pointed out that it would be important to deal with problems of poverty, slum clearance, alcoholism and other such evils. This is quite true in a sense. The breakdown of marriage is not something that happens in a vacuum; it is something that is very often brought on by social conditions or evils with which this legislation does not attempt to deal. We are dealing only with the consequences of these social evils. I hope hon. members realize that in a divorce law we cannot do much more than this.

The government through its social legislation, and indeed the provincial governments through their various forms of legislation, have attempted to weed out all these evils in society, some of which lead to marriage breakdown. But I think it would be unnecessary in this law to try to deal with all these causes of divorce. We have to legislate on this particular subject, and I hope hon. members will not think it is because the government is not aware of these other causes of

divorce that it has not attempted to legislate on them.

[*Translation*]

Therefore, Mr. Speaker, since a legislation on divorce was to be drafted, I must say that the bill now before the house reflects our concern to respect the beliefs, the traditions and the customs of the various groups which make up our composite society.

This would seem obvious to anyone who would look at the provisions concerning the jurisdictions of courts, the rules governing procedure and proof. We did not want to disturb the administration of justice in the provinces by proposing new rules likely to confuse trial lawyers used to provincial regulations.

That is why, in principle, provincial superior courts of civil jurisdiction will now have jurisdiction in divorce matters.

There will be an exception, of course, in the case of Quebec and Newfoundland, but in our view,—and I feel I made that point quite clear last evening and, at the same time, it is a wish that I express—this exception for those two provinces is of a purely temporary nature. Moreover, as long as provincial laws of procedure do not come into conflict with the provisions of the present legislation, or with the rules of practice that competent courts may adopt, they will apply to divorce proceedings.

Finally, I wish to add that the laws of evidence in the province where divorce proceedings are started will apply to those proceedings.

At this point, Mr. Speaker, I should like to emphasize that in drafting this divorce legislation, we have taken into account the need to reconcile in the same act the procedures and concepts that belong to different statutes and mentalities.

For instance, when we decided that if divorce proceedings were to be taken let us say, in the province of Quebec, before the Court of the Exchequer, they would follow the provincial evidence act. We decided to include a section in the act authorizing the lawyers and parties taking proceedings in the province of Quebec to be governed by the provincial evidence acts.

Members will see that clause 20 of this bill is an innovation in this field, and I think it illustrates the real efforts we made to ensure in the drafting of the bill that we would bring a solution to a real social evil, while respecting provincial jurisdictions as