

Dissolution of Marriage

wonder why parliament is involved in this matter of divorce to the extent in which it is, and I believe a very short historical résumé would be in order.

When the British North America Act was passed the jurisdiction for marriage and divorce was given by constitution to the federal government, and at the time of confederation those areas which were provinces already in existence were able to carry with them the laws that were in effect at that time in Great Britain. This means that most of our provinces carry the laws that were in effect in Great Britain before 1867. It also means that one of our provinces, Nova Scotia, has more liberal grounds for divorce than those in the other provinces of Canada because of an experiment tried in Great Britain at the time of the granting of colonial status to the province of Nova Scotia. This gave to Nova Scotia the ground of cruelty as a cause for divorce in addition to that of adultery. This provision has not been used to any great extent over the years, but it has been applied in a number of cases in that province.

At the outset may I say I am pleased with the fact that our group has grown over the last few years, and we are now completely united in our efforts to see that this social injustice being perpetrated on the Canadian people will be discontinued. Our chances of achieving this are much better in that the party to which I belong is pledged to seeing that the abuses which have taken place in this social field will be eliminated to the extent which parliament considers itself capable of so doing.

Mr. McCleave: They must be planning to hang you then.

Mr. Peters: I do not think the members of our caucus are planning to hang me, as some hon. member has said. This is farther from the truth than has been the case over the past years. Actually what I am saying is that there are not just two people interested in this problem. All the members of the caucus in the New Democratic party are interested in it and are going to press for the removal of the injustices now taking place that are the responsibility of the federal government.

Before discussing this particular bill it might be interesting to note that there are solutions to the problem. Solutions have been implemented over the years by other people in other countries. Suggestions have been made and accepted, with the result that most of our sister commonwealth nations within the last 10 to 15 years have developed much more satisfactory codes to meet the conditions of the modern age in which we live, much more satisfactory than what we have in Canada.

[Mr. Peters.]

If hon. members look at the bill which I have on the order paper I believe they will find it meets needs of today that are not being met by the present legislation of the federal government.

An article appeared in *Chatelaine* in April 1961, which I should like to quote. It was dealing with this matter of divorce, and the hypocrisy of divorce in Canada, and referred to some of the suggestions I have incorporated in this bill.

It stated that the reason the Peter's bill was not passed by the last parliament was because I was a member of a minority party in opposition to the government, and therefore my private member's bill did not have a chance. However, the electorate have now taken care of that matter. Not only am I a member of a minority party but the government of today is a minority government. The minorities, in my opinion, can afford to unite on this very important social matter which affects the lives of many of our citizens in an individual sense, and which affects the laws of our land in their relation to men, women and children who are affected by this particular social problem.

One of the great advocates of change in divorce legislation was Sir A. P. Herbert, the English barrister who as a member of the United Kingdom House of Commons in the thirties managed almost singlehandedly to bring about reform in the United Kingdom. He said:

More importance is attached to ten minutes of fleshly infidelity than to three years desertion or a lifetime of cruelty.

That statement is as applicable to Canada today as it was to Britain 30 years ago. Our refusal to widen the grounds for divorce causes misery to thousands of Canadians.

Speaking on the subject before, I have always pointed out that I did not agree that in broadening the grounds for divorce in this legislation we were really extending the grounds beyond any which exist at the present time. The Senate, with whom we work as partners in these proceedings, has a set of rules governing the granting of divorces. However, people could come before parliament and be granted a divorce at any time on any grounds. Rather than line up in the corridors of the Senate and be directed by their counsel as to what to say and what not to say, they could appear before the representatives of that august body and tell them exactly why they did want divorce and why they thought it should be granted. It would still be within the power of parliament to grant them divorce on exactly those grounds. The present procedure only follows the rules of a committee set up to give guidance; it is only in this way that we have