

Divorce Act

With respect to the global scale, our Canadian rate of divorce is 2.9 per 1,000 of population. It is about the same as in Australia, the United Kingdom, Sweden and Denmark. So this shows it goes beyond whether we have left wing governments or right wing governments. It is the fact of the enhanced growth of government itself which has affected us. The United States, of course, has a much higher rate at some 5.3 per 1,000.

The institution of marriage is still strong, Mr. Speaker. As shown by statistics, some 84 per cent, particularly men, are remarried within five years. If I might be permitted a personal comment, Mr. Speaker, having practised law for some ten years in the City of Lethbridge, I found that there was not one case, to my recollection, of a reconciliation after either a man or a woman had come into my office and laid out the fee for divorce, whether it was contested or uncontested. There was not one incident, Mr. Speaker, where I, as a lawyer, acting in that capacity, was able to effect a reconciliation, even though I had to bring to their attention the fact that there were mediation facilities available in the community. By the time they had come into the lawyer's office and put their money down, they simply were no longer interested in reconciliation.

I also found, again from my own personal observation, that the problem was not with the women. The problem was with the men. Men could not come to terms with the "new woman", the woman who genuinely wants to be equal, who genuinely wants to make a contribution, not only in the home but feels it is important to get out into the community. The educational dimensions of women have grown enormously. I found that the problem was within men, because most of them had been raised in a family where the wife stayed home, looked after the children and was totally dutiful and respectful to the husband, accepting his views on practically everything, including the vote. The woman today is not prepared to do that, and men have to come to terms with that fact. I found that the problem was in trying to convince men that the wife was not being abnormal in her expectations of living within the family; the problem was in the man expecting the 1980s women to be like the woman of the 1940s or even the woman of the 1960s, and I feel the whole question of abuse grew out that problem. Women were not prepared to accept their traditional role, and men, responding in their macho way, felt they had to force the woman into line, which led to wife battering, and, of course, we should not tolerate that at all. Men will have to come to terms with the role of the new woman and accept it. We can never go backwards. Women are not going to go back into their old role. Therefore, men had better get on their side.

This Bill, Mr. Speaker, is like a lot of other Bills. Some parts of it are acceptable, other parts are much less acceptable, and on some parts we have totally different views. Some parts of the maintenance legislation are good, but they do not go far enough. There is another dimension in Canada to which the provinces have never adequately responded, that is, that Canadians are a mobile people. Because we are mobile, we should be able to expect as a right that the maintenance laws

of one province will be respected in other provinces. I believe Canadians should have that as a right.

With respect to medicare, I always thought it was practically criminal that the provinces had not put in the proper mechanism so that a Canadian could go anywhere and receive medicare. I sat on a task force in 1980 which made that recommendation, as did earlier task forces. The provinces have never brought it in, and I feel they have to accept criticism because of that.

With respect to custody counselling, a no-fault, out of court procedure where both sides are in full agreement and the questions of custody and maintenance are settled, I found in my practice that there was a very deep anger and frustration bordering almost on a destructive hatred of the system when two responsible adults, who had agreed that the marriage was at an end—most often the children by that time had left home—and who wanted to dissolve their marriage in a positive and constructive way, were forced into the court system which was both adversarial and expensive. They found that to be wrong. Therefore, the part of this Bill which permits no-fault, out of court procedure when there is a genuine agreement is good. The problem, I believe, is that the Cabinet has gone too far by saying it should be no fault divorce in all cases. That does not adequately cover all situations. We should have no fault divorce for those cases where the parents agree and they are mature and responsible about it. In other cases, where the rights of children are being affected and in still other cases where there is genuine fault, I believe that should be recognized. Again, Mr. Speaker, we will find dozens and dozens of cases in each of our individual lives where the wife has in fact put the husband through university. The wife has gone out and got a job or she has stayed home and raised the children and now, at the age of 45 years or 50 years, finds herself turfed out by the husband, so to speak, who has fallen in love with a younger woman. It is not right that that man should be able to receive a no-fault divorce and put that 50-year old woman into a position where in three years she has to become totally self-sufficient, and within that same three years the man is off the hook. That is not acceptable because that woman, under these conditions today, does not have the opportunity within three years to become adequately trained to that she can step into a \$50,000 or \$60,000 a year position. On behalf of my constituents I say that I am simply never going to agree to that being the law. It is not fair. That woman should be entitled to at least a fifty-fifty split on assets and she should be in as strong a financial position as she was before the divorce. There are many cases where the wife is not at fault. She has done everything properly, continues to love the man and wants to live out the rest of her years with him, but because the man is out in the workforce, exposed to younger women all the time, he gets himself into a position where he has two women rather than just his wife.

● (1640)

Another dimension of this Bill that I find very troublesome and unacceptable is that the man who is 55 can turf his wife out, expect her to be self-sustaining within three years, and