

*Divorce Act*

As far as financial provision is concerned, marriage per se should not create a right to receive or an obligation to make financial provision after dissolution. A formerly married person should be responsible for himself or herself.

However, the right to financial provision should be created by reasonable needs flowing from the division of function in the marriage, the express or tacit understanding of the spouses that one will make financial provision for the other, custodial arrangements made with respect to the children of the marriage at the time of dissolution, the physical or mental disability of either spouse which affects his or her ability to provide for himself or herself or, finally, the inability of a spouse to obtain gainful employment.

I believe that a maintained spouse should have an obligation to assume responsibility for himself or herself within a reasonable period of time following dissolution of marriage unless, considering the age of the spouses, the duration of the marriage, the nature of the needs of the maintained spouse and the origins of those needs, it would be unreasonable to expect the maintained spouse to do so, and it would not be unreasonable to require the other spouse to continue to bear this responsibility.

I have one final point to make. The amount of financial provision should be determined by the reasonable needs of the spouse with a right to financial provision and the reasonable needs of the spouse obliged to make financial provision.

Am I running a little bit over?

**An hon. Member:** No.

**An hon. Member:** Yes, you are.

**Mr. Parent:** The amount of financial provision should also be determined by the property of each spouse after dissolution of the marriage, the ability to pay of the spouse who is obliged to make financial provision, the ability of the maintained spouse to assume partial responsibility for himself or herself, and the obligations of each spouse toward the children of the marriage.

These are the specific points I hope the hon. member for Toronto-Lakeshore will bring to the committee along with his very worth-while suggestion, which I wholeheartedly support.

**Mr. Robinson:** You have talked the bill out.

**Mr. Benno Friesen (Surrey-White Rock):** Mr. Speaker, I do not want to speak for too long because I want to see the subject matter of this bill referred to the committee. I appreciate what the hon. member for Toronto-Lakeshore (Mr. Robinson) has done. I appreciate his honesty and his sincere concern for the worth of the family unit and the integrity of the family unit when he proposes this bill. I am not sure I agree with all the provisions in the bill, but I do know from my association with the hon. member, when I had my own private members' bill before the House last year, that he has a definite and genuine concern for the maintenance of the family unit. I

certainly support him in that, but I want to point out a couple of things which I think are important.

We live in a very pluralistic society, and it is not right—and not even possible, let alone right—that we impose on all of society what some of our individual philosophies might be, as much as we might believe in them, so I tend to agree a little bit with the hon. member for Timiskaming (Mr. Peters) that there has been a history in our society of trying to impose certain philosophies and beliefs on all of society. That we can no longer do. Much to my regret, we cannot have a more pervasive morality about the institution of marriage.

However, I think this bill circumvents the problem, and we need to deal with the problem. I do not think this bill, or for that matter any divorce act, deals with the problem, that is, marriage breakdown. We must consider that.

I would like to point out that in our society there is an ominous trend—which I think is destructive—to relieve individuals of responsibility for their decisions more and more all the time. We tend to make it easier for individuals to escape responsibility for the decisions they make, and to make it easier for them to get out of marriage. I think that is part of the trend. While I support the concern of the hon. member, I am not too sure that this bill is the solution. Rather than making it easier to get a divorce, I think we ought to make it more difficult to get married. I do not know how we should go about doing that, but I think hon. members know me well enough to know that I am firmly committed to the institution of marriage. I do not know if all hon. members know it, but at the outset of this session I celebrated my twenty-fifth wedding anniversary.

**Some hon. Members:** Hear, hear!

**Mr. Friesen:** So did my wife, I hasten to add. As a matter of fact we celebrated it on the day the Queen opened parliament, and thought it very kind of Her Majesty to celebrate the occasion with us.

● (1752)

I am totally committed to this institution and I think members know I am also totally committed to the institution of the church. Because I am committed to that, however, I take the liberty of criticizing the church for its negligence. Many starry eyed young people go to a minister because they like the architecture of the church rather than the institution of marriage being sanctified by the church. I recall that my admiration for a local Anglican minister grew when he turned aside the opportunity to marry young people who came because they liked his church. He thought there ought to be a better reason for performing the marriage than simply the beautiful esthetic surroundings.

The irony is that the marriage vow says it ought not to be entered into lightly, but that part of the vow is often violated by the minister performing the ceremony.

I think that the churches and provincial governments ought to require ministers of the gospel who marry young people to