

Alimony and Maintenance

She said: Mr. Speaker, I must say I am very pleased with this opportunity of presenting in the House a Bill that has been before the House since May 1980. Patience is a virtue that in this case is its own reward, since this afternoon, we shall at last have a chance to consider a subject that is very important to single-parent families in Canada.

Mr. Speaker, I think that a few statistics will demonstrate the seriousness of the problem we shall be discussing this afternoon. Not long ago, we were given the latest Statistics Canada reports. According to the last report, there were 653,440 single-parent families in Canada. This means that for 11 million, or more accurately, 10,959,000 family units where both the father and mother are present, there are 653,000 families with only one parent to look after the children. Mr. Speaker, I also would like to point out to Hon. Members that since in most cases, parents are responsible for the education of their children and for supporting the family, the parent who is responsible for the children's education must have the necessary resources. However, from what we have seen, and according to reports submitted in the House and various groups who are studying the problem, it seems that nearly 50 per cent of court judgements based on existing legislation are not enforced. Mr. Speaker, why is it that multinational corporations have no such trouble with court judgements, while thousands of orders, and thus judgements, obtained legally before the courts are so difficult to enforce? There is of course the administration problem, but I believe we should also deal with the principle of the matter, since the majority of these women—most of the time, single parents are women—live below the poverty line, on the meager resources at their disposal under our welfare legislation.

Mr. Speaker, I realize that this is a matter of joint jurisdiction. In fact, for the benefit of those who are interested in the matter, I asked the Library of Parliament's research branch for a study that is available to all Canadian citizens and deals with the constitutionality of federal intervention in the alimony and maintenance field through a federal or joint system. This study, which is fairly long and I have no intention of reading all thirty-seven pages here in the house, demonstrates the seriousness of the problem and also explains the jurisdictional aspects.

However, Mr. Speaker, we are not dealing with a problem of jurisdiction, but a human problem confronting hundreds of thousands of individuals in Canada who are indeed being deprived of their dignity because they are not entitled to income payments directly related to the family. The main objective of my Bill is to pave the way for more effective enforcement of court orders.

Mr. Speaker, I think that my colleagues will agree with me that my Bill should provide for the possibility of alimony payments being transferred to a Government. Since the Federal Government is present throughout Canada, I would suggest that in case of default, the order could be transferred

to the Federal Government. My Bill would amend the Income Tax Act with a view to authorizing the Minister of Finance to enforce the order for alimony or maintenance payments in favour of the spouse. The necessary mechanisms to collect the money are already there, and I know that it is obviously easier for a Government to collect payments on a debt than it is for a spouse who has children but no income.

Mr. Speaker, my Bill also features an amendment to the Divorce Act. It is not a major amendment since the question is now under study, in any event, but still I think it is important to amend the Divorce Act so that once the order has been registered we will be in a position to take action. Naturally, a law is effective to the extent that the penalties are effective.

I have also included in my Bill a provision to amend the Criminal Code. My colleagues will undoubtedly recall that Criminal Code section 197 is entitled "Duties Tending to Preservation of Life", duty of persons to provide necessaries. It states that every one is under a legal duty as a parent and all other qualities which make the alimony necessary—must provide himself with necessaries of life . . . and others towards whom he has an obligation. Every one who commits an offence under subsection (2) is guilty of an indictable offence and is liable to imprisonment for two years.

● (1640)

Mr. Speaker, we have noted that this provision is not really effective and is rarely used because the courts are reluctant to deprive the breadwinner of his earnings, and of course, spouses often do not really want to start criminal proceedings.

I have proposed amendments to Section 289 rather than to section 197 so that, as is now the case in Germany, it would now be considered a crime if a spouse is shown to have robbed the other spouse by not paying alimony. Some will say that this is rather harsh. It probably is, but we are now facing a very serious problem affecting hundreds of thousands of people, which has not yet been solved and is still being negotiated and discussed by the federal and provincial Governments.

Mr. Speaker, according to the figures for 1978-79, female heads of households and women in general in Canada who are lucky enough to earn their living have an average income of \$7,600 compared with \$14,900 for men. This means that even those who work and can do something to feed their family already have problems.

Moreover, Mr. Speaker, according to the most recent report of Statistics Canada which provides figures for 1979, there were 59,474 divorces in that year, and this does not include legal or *de facto* separations. We have a very high figure of nearly 60,000 divorces, which means nearly 60,000 maintenance orders.

In view of these figures, Mr. Speaker, we cannot ignore this issue because we are faced not with human problems, but