

Divorce Acts

As to the Family Orders Enforcement Assistance Act, many groups of women have pointed out that the proposed legislation does nothing more than make it easier to gain access to information concerning husbands who do not respect orders, without allowing enforcement of support orders. In my judgment, it is imperative to set up a national organization for enforcing family orders when one of the spouses defaults. If such an organization is not established, then a very strict agreement should be signed by the provincial and federal Governments. Mr. Speaker, perhaps the Minister of Justice would like us to believe that such a protocol will be established, but a careful reading of the Family Orders Enforcement Assistance Act points to the opposite.

Clause 3 provides that the Minister may, on behalf of the Government of Canada, enter into agreements with each of the Provinces concerning the searching for and the release of information. You understood correctly, Mr. Speaker, the Minister "may", which does not mean he "shall".

Moreover, the legislation grants certain rights to a person trying to locate his or her former spouse, either because the latter does not pay the allowances ordered, or because he or she has kidnapped a child. Under this legislation, that person could petition a court to search for information on his or her former spouse. The Canadian Government is putting a series of information banks at the disposal of investigating authorities, but what seems to be creating a problem, Mr. Speaker, is that federal information banks will be available only after the provincial bank will have been. Not only must each Province determine what information banks will be available for searches—and this opens the door to high-handedness and variations between provinces—but if a Province delays in designating those information banks or bluntly refuses to do so, the whole process will become impossible to engage.

Therefore, in point of fact the working paper introduced by the Minister of Justice says on page 5 that use of federal provisions is not possible unless a province allows at least one information bank to be searched. This means the Federal Government is willing to help women trying to locate their defaulting former husbands, provided those women live in a Province whose authorities have agreed to co-operate. We know what would be the outcome of that, Mr. Speaker. Women in Quebec and Manitoba would be provided with good services, that I know for sure. But as to women in other Provinces, this is open to question.

Yet the Tory Government recognizes the problem. In the working paper I have quoted, it is stated that federal-provincial agreements are essential to the implementation of the Act. The Minister of Justice may be nearsighted, or perhaps he is simply inconsistent and irresponsible. Passing legislation and having other people carry the responsibility for enforcing its spirit and letter is a sign of poor judgment. I must say that our parliamentary rules prevent me from using the terms that truly reflect what I think of that.

Also, the political will to set up and enforce an efficient system for collecting support monies is not there. Rather than squarely taking sides with the individuals at odds with their former spouses who do not fulfill their obligations, this Government wants to go the easy way, and above all else not to hurt the Provinces. The working paper on the Family Orders Enforcement Assistance Act stresses the fact that the federal Government will make every possible effort to be flexible as to the choice of the information bank or banks to be searched, provided the bank chosen holds information that is adequate. The least we can say is that this Tory Government will avoid quarrels with the Provinces, even when they are recalcitrant and will not co-operate.

Clearly said, Mr. Speaker, this means that the system provided for by the Bill will crumble like a house of cards if the Tory Government does not get federal-provincial agreement. This is a flaw that could make this legislation completely powerless in some Provinces.

Briefly, I believe the principles that underlie the Act respecting divorce and corollary relief are commendable. They reflect the change in mentalities in Canada. However, I doubt this Government has the political will indeed to make the legislation more equitable when I see the weaknesses and inconsistencies inherent in these bills.

Mr. Speaker, it is to be hoped that some amendments will be incorporated into the bills now before the House.

The Acting Speaker (Mr. Paproski): Questions and comments. Debate. The Chair recognizes the Hon. Member for Broadview-Greenwood (Ms. Lynn McDonald).

• (1730)

[English]

Ms. Lynn McDonald (Broadview-Greenwood): Mr. Speaker, Bills C-46, C-47 and C-48 which are before us today deal with the very difficult question of divorce. There are some who would oppose the legislation, believing that divorce should be as difficult as possible to obtain, and in so far as it is difficult, that marriages will not break down. They believe that the stricter the laws are, the more marriages will be saved. However, I believe that the measures before us today are responsible. We can debate some of the finer points, but I do not think these measures will make divorce so easy to obtain that people will not make every reasonable effort possible, short of divorce, to solve their marital problems.

Most importantly, making marriage breakdown the grounds for divorce will make the process less of an adversarial one. I think that separation for a year or more will, practically speaking, become the main grounds for divorce in Canada. This will stop the terrible occurrence which we have seen in the past of children being forced to testify for one parent against the other. This is the first legislation we have seen which makes a serious attempt to deal with the issue of maintenance. Canadian women and children have suffered for