two parties involved must have been a resident of the province for at least one year at the time of the petition; third, that same person must have been a resident of that same province for ten months. I intend to replace those three conditions by only one, namely that one of the parties must have resided for at least one year in the province where the petition is filed. That would simplify the issue and provide easier access to the courts.

Under the existing system, orders concerning alimony or child custody can be changed only by the court which has issued them. This rule may have serious consequences. For example, let us take the case of a couple whose divorce was granted in Toronto, one of the spouses now being in St. John's and the other in Calgary. Any order pertaining to alimony or child custody issued at the time of the divorce of that couple could be changed only by the Toronto court.

I intend to make the rule less stringent in that respect. Under the Bill, if both parties agree, a petition for any variation of the order pertaining to either question could be filed before any court. Should only one of the parties want to have the order changed, that party could apply before the court of his or her province, or that of the province where the other party resides. However, the court will always be free to turn down the petition should it feel that, under the circumstances, either party would be wronged.

The suggested amendments represent an in-depth review of the Divorce Act. In fact, such a review is long overdue. The proposed reform is based on a new approach not only to the grounds for divorce, but also to the whole divorce system. The procedure will be greatly simplified. As for the judicial rules concerning the determination of the effects of divorce, that is the rights and obligations of spouses as well as the rights of the children, they will be made more specific and more sensible.

This reform will have a direct impact on the welfare of an increasing number of Canadians.

There have been virtually no changes made to the Divorce Act in the past fifteen years. The principles on which it is based must be reexamined in the light of modern social trends. We need a more humane system for settling marital conflicts, a system which will be more effective and less distressing for those faced with the painful experience of divorce. We need a statute which will take the needs of people into greater consideration and which is more in agreement with the interests of society as a whole.

The reform project which I have just outlined will, I believe, allow us to fulfil all those objectives.

Mr. Speaker, may I now call it one o'clock and continue at two o'clock?

Mr. Deputy Speaker: Order, please. It being one o'clock, I do now leave the chair until two o'clock this afternoon.

At 1 p.m. the House took recess.

AFTER RECESS

The House resumed at 2 p.m.

Mr. Deputy Speaker: Order. When I left the chair at one o'clock, the Hon. Minister of Justice (Mr. MacGuigan) had the floor. I must add that he still had 23 minutes left in his allotted time.

The Hon. Minister of Justice.

[*English*]

Mr. MacGuigan: Mr. Speaker, I have no intention of taking all the time which would be available to me, but I would like to make one or two additional points with respect to the legislation and then review briefly some parallel initiatives.

In response to the decision of the Supreme Court of Canada in the case of *Messier* versus *Lessard* we have provided objectives for maintenance orders in the Bill. This is the first time there have been such objectives in the Divorce Act. The Supreme Court has now effectively required them. Even if it had not, they would be useful tools for the judiciary in deciding how to deal with the question of maintenance.

It is very important to note that the objectives set forth there are not absolute. There is obviously some overlapping. There are also key words in Clause 10 of the Bill. Those words are "in so far as is practicable". Those words govern each of the four objectives which follow.

With respect to children, we have for the first time set forth principles respecting children. It is important to note that this is put in terms of a right of the children; the children ought to have as much access to each of the spouses as the circumstances permit. That in particular is a very important statement of principle.

It should also not escape notice, Mr. Speaker, that for the first time we have provided for access by other parties to the children. In those comparatively rare cases where it was appropriate, this could mean that any person other than the parents could have the custody, care and upbringing of the children. It also includes access to the children. Of course, that would apply to the respective grandparents more than to any other group. This possible right of grandparents has long been overlooked by the law, so this is a very important change.

• (1410)

Also important is the change which in the discretion of the court, allows the appointment of an advocate to represent the interests of the children. We have not laid down rules with respect to how this should be done, thinking it best to leave it to the discretion of the court to work out. Of course, there is discretion in the provinces to establish rules which may be relevant to all of these situations.

The provinces will have the discretion to decide how divorce actions will actually be handled, whether they will continue to be handled in open court or, if not in open court, whether they will continue to be dealt with by a judge. From what little I have heard on this point, the disposition of most provinces