

Divorce Act

ers most of their lives and have no skills, no jobs and very few prospects.

● (1620)

At various times the House has been concerned about the situation of Indian women who marry non-Indian men. This situation becomes particularly acute in the case of divorce because, under Section 12(1)(b) of the Act, these women have lost their status as Indians and do not even have the right to go back to their traditional home.

It is important that the House recognize the fact that no-fault divorce does not mean divorce without consequences. It does not mean divorce without economic consequences. At present, women must bear a very disproportionate share of those consequences. Maintenance orders are widely disregarded and more than 70 per cent of such orders are in arrears.

There may be some cases in which a man's economic circumstances make it impossible for him to make support payments that have been ordered, but in most cases I suspect that it is a matter of attitude. Many people making support payments wonder why they should go on paying after a relationship has been terminated. They have new lives to live and new expenses and obligations. Because society does not insist upon the enforcement of maintenance payments, 70 per cent of maintenance orders simply go by the wayside. This attitude on the part of many divorced men may be understandable, but it is not acceptable. However, this Bill does nothing to deal with that problem. Bill C-10 walks away from the problem and lacks adequate provisions to ensure support payments.

Clause 10 of Bill C-10 adds a new Section 12.1(1) to the Divorce Act. It sets out the objectives for maintenance orders. That clause reads in part that these orders should:

—be designed, in so far as is practicable, to

—(c) relieve any economic hardship that the court exercising jurisdiction to make or vary the order determines to be grave;—

What does relieving grave economic hardship mean? If, for example, a woman had been married to a well-paid professional and is forced to take a job at the lower end of the pay scale, would her situation be one of grave economic hardship or would it simply be another factor to which she had to adjust? Part (d) of the clause indicates that an order should be designed to:

—assist adjustment to economic self-sufficiency by either of the spouses within a reasonable time of the making of any such order for maintenance of the spouse.

What is a reasonable time, Mr. Speaker? We do not know, and of course it varies from situation to situation. In many cases the economic climate of a country or province can vary over a period of two or three years. If a court order was made to provide for maintenance payments over a three-year period, as has been suggested, and then the economic climate changed so that prospects for economic self-sufficiency that previously existed were no longer possible, then there would be no recourse but to go back to the court to get a new court order. The Act contains very inadequate provisions to enforce maintenance payments.

In conclusion, Mr. Speaker, while our Party supports and likes the no-fault provisions within this Act, we are completely unsatisfied with its shortcomings regarding maintenance. On that basis, we are asking the Minister to withdraw the Bill and bring it back with adequate provisions for the enforcement of maintenance payments.

Mr. Friesen: Mr. Speaker, I listened with care to the speech of the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) because I have known him intermittently over many years. I was glad that he focused on the matter of maintenance and the problems that this Bill creates for those people who would be at an incredible disadvantage as a result of this legislation. Therefore, I am happy for small mercies and am glad that members of the NDP are fighting this Bill, even if it is only on that one point. It is a very important point and I do not mean to diminish its importance.

I also noted with great interest that the Hon. Member referred to himself as being an ordained minister. I suspect that at the many weddings at which he has officiated over the years, if he has used the traditional service, he has usually ended with the statement: "What God hath joined together, let no man put asunder". Now he is saying that he, as a member of his caucus, supports no-fault divorce. I am interested in the tension that that creates between the absolute statement he has made in those vows and the relative position that he has adopted in the law. I am wondering if the law takes precedence over what he said in marriage ceremonies.

I am even more fascinated by a statement of his which I wrote down very carefully. If I am wrong, I hope he corrects me but I think he said: "Fault or blame is not an interesting concept". I did not know that whether or not fault or blame is interesting was a matter of discussion. I thought we were dealing with whether it is fact or not. If the Hon. Member, in his application of social, emotional, psychological or spiritual principles, wishes to avoid the discussion of fault or blame so that people could go on to build their lives, how does he see reconciliation taking place if there is not a discussion and acknowledgement of fault or blame?

Mr. Manly: Mr. Speaker, my friend, the Hon. Member for Surrey-White Rock-North Delta, brought up a number of interesting points. First, he referred to the marriage service statement: "What God hath joined together, let no man put asunder". We in the United Church usually use non-sexist language wherever possible.

Mr. Friesen: You are marrying two sexes.

Mr. Manly: Yes, that is true. We are marrying two sexes. However, if we are going to get into a theological debate, I believe that the Scriptures themselves talk about divorce as being something that is related to human failures. I suppose that in every divorce there is a human failure of some kind. I think the Hon. Member himself admits the need at times for divorce. How is this put asunder in his mind? I think he takes a much more rigid view of the Scriptures than I do, and I would be interested to see how he reconciles that particular