

behind various religious reasons, but they never looked at the problem facing them.

When marriage breakdown occurs, in effect, there is no marriage. It does not really matter whether one has to wait 18 months, a year or three years; an immense social problem is faced by the family concerned. The decision as to finances is dealt with in the family courts which some provinces have. Those courts operate reasonably well in most provinces. The desire of both parties to finalize whatever decision they wish cannot be eliminated.

This is a good time to take another look at our divorce laws. Even members of parliament can change their minds and collectively improve on any suggestion by a member, even though that hon. member has acted to the best of his ability and in good faith. Divorce reform commenced in this House almost 20 years ago. At that time there were 265 members, and 263 of them were opposed to the method we were using to have the matter brought to a head. In 1967, when the changes were brought before the House, as far as I can remember there were no members in opposition to the report of the committee.

For these reasons, I should like to move, seconded by the hon. member for Winnipeg North Centre (Mr. Knowles), the following:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"Bill C-214, an act to amend the Divorce Act (living separate and apart), be not now read a second time but that the order be discharged, the bill withdrawn and the subject matter referred to the Standing Committee on Justice and Legal Affairs."

● (1732)

Mr. Gilbert Parent (Parliamentary Secretary to Minister of Veterans Affairs): Mr. Speaker, I congratulate the hon. member for Lakeshore (Mr. Robinson) for bringing in this particular bill. I would like to say at the outset that I am in favour of reducing the period of time which a person would have to wait before being granted a divorce from three years to a year and a half. I must comment on what the hon. member for Timiskaming (Mr. Peters) has said. I understand that some years ago he engaged in a filibuster which brought about some changes in the old divorce laws. He has changed his stance now. Very rarely do I see him filibustering in the House.

Mr. Knowles (Winnipeg North Centre): Don't put ideas in his head.

Mr. Parent: The hon. member says they should eliminate the whole process of divorce. I am happy they did not eliminate the hon. member along with it.

I think the bill is good. I would suggest that there are some other changes which could be considered, and perhaps the hon. member will take these few thoughts to the committee with him along with the ones he has suggested. I believe that the change he suggests would improve our divorce laws, and I hope that the suggestion I will make will be considered at the same time.

Divorce Act

Although Canadians have always considered it self-evident that a family has a special and central place in our society, there have in fact only been a few occasions when the legal basis of the family and the legal relationship of its members have received official attention over the past century. Changes we have experienced socially, as well as changes in the composition, structure, expectations and thwarted hopes of families and their members have at best led to halting accommodations by the law to social pressures. Accommodations such as making divorce generally available, but hardly to a re-examination of the image of the family the law reflects. This image may by now be so far removed from reality that the law and its institutions may weaken rather than strengthen family life, especially in crisis situations.

In fact, in the ordinary course of family life nothing is more remote than the use of the law for dealing with personal, economic or other needs. Not so in crisis situations, when the network of relations and understandings breaks down and personal and community resources are no longer able to relieve pressures. It is at these points that the law is seriously considered as an instrument for ordering family relationships and it is also at these points that the law and its institutions show their strengths and weaknesses.

That there are weaknesses was brought forcefully to my attention when I inquired into areas of public dissatisfaction. A great deal of concern was expressed about the divorce process and its aftermath in terms of maintenance, property settlements, and the way it dealt with children. Dissatisfaction was expressed not only by those who were or had been involved in the process, but also by agencies and professions working with families in trouble—including the legal profession.

The Law Reform Commission put out a paper with regard to jurisdictions. The following are my thoughts on the subject. With respect to jurisdiction, it is one thing to put divorce into a tidy constitutional category of federal law, and something else again to keep it there. A law is what it does. Most of what the divorce law does, in concrete reality, is anchored in issues of child welfare, property and support which, in almost all contexts other than divorce, are provincial concerns. It would be rather sterile to limit the reform approach to a consideration of grounds for divorce as if they could somehow be isolated from their consequences. I have instead taken another approach, proposing that the process for dissolution of marriage should be structured on the basis of social and economic consequences. The more important the issue—such as cases where young children are involved—the more time and resources should be brought to bear to keep families together, or where this is not possible, to diminish the harm that is invariably involved. Legal concentration on grounds for divorce, such as fault, clearly reinforces the adversary and accusatory elements of a crisis situation. Anybody who lives in a family or any other close relationship knows that this is no basis for arriving at a mutual understanding.

There is a legitimate concern about fast and easy divorce, often expressed as "divorce on demand". I do not think it should be so easy that all we have to do is simply to walk up to