

*Divorce Act*

that some day there will be laws which can be read and understood by laymen in society. That is the kind of law I would have liked, particularly in a family issue such as divorce.

Turning to a new matter, I believe that determination of when a spouse can reasonably become self-sufficient following marriage breakdown is a key factor and must not be restrictive. No one should view marriage as a life-time contract for support. I would hope that people view marriage as a life-time contract but not necessarily only for financial reasons. Economic self-sufficiency is a goal toward which all of us strive. Just as it is unrealistic today to expect support from one spouse to continue forever following a marriage breakdown, it is also equally unrealistic to believe that any time limit can be set on self-sufficiency. Each situation is unique, and that must be combined with a volatile and currently gloomy employment picture. Circumstances can create situations whereby self-sufficiency looms farther than closer on the horizon. That is the case which many women are facing today.

Other factors must also be considered in determining when a spouse can be expected to be determined self-sufficient. For example, older women who have never worked outside the home need ongoing protection orders under the law. Time limited orders for younger women could fail to recognize that their potential for self-sufficiency is dependent upon external forces of the market-place and the economy. These factors must be considered in the quest for economic self-sufficiency. The goal toward equality of opportunity in society and individual economic independence is desirable and one which I support, but it is not always realizable. A balance must be struck between the need to support women at different ages and at different stages of life and the need to allow the other spouse, generally the men, to get on with their lives, to see a light at the end of the tunnel and to resettle their lives without unnecessary heavy financial burdens. However, they cannot desist if there is no other option.

The National Action Committee on the Status of Women and The National Association of Women and the Law pointed out the unfairness of jettisoning older housewives without financial support as well as young women who may face unexpected restraints, not out of malice or ill will. The courts need freedom to consider extenuating circumstances in each case.

I hope, and indeed anticipate, that judges will interpret their support order decisions in a humane yet realistic way, awarding orders in a manner reflective of the unique situations of each family. Neither spouse should have to experience economic hardship because of marriage breakdown. This is therefore important in circumstances in which a spouse remained at home, did not accrue any pension or retirement benefits and would have had no opportunity to save independently or be self-supporting during the marriage. To suggest that she become independent immediately after a marriage breakdown is unrealistic and even if the goal of breaking the financial dependence or her spouse is admirable, the improbability of such a change occurring quickly is high. It is for those reasons

that I have taken this position and am disappointed that the Bill does not reflect this reality.

● (1650)

With the release of the report by the Commission on Equality in Employment, the Abella Report, Canadians have become increasingly aware and supportive of the need to redress systems like the system for the collection of support payments which are woefully inadequate and economically punitive and debilitating.

Last, I would like to address my Party's belief in the establishment of a national maintenance and custody orders enforcement agency as the central repository for maintenance and custody orders. It would monitor all accounts due, provide prompt notification of default and provide vigorous pursuit of defaulters by, among other things, attachment of federal and provincial payments due to the debtor spouse. It would also act when the rights of non-custodial parents are abridged.

The main obstacle to maintenance enforcement in Canada today is the fact that it is the maintenance creditor who is obliged to initiate and pursue enforcement at his or her own expense. These maintenance creditors are usually women. Given the increasing number of Canadian lawyers who refuse to act in legal aid family matters and the inadequacy of current provincial mechanisms for enforcement, the likelihood of obtaining default maintenance payments is minimal at best under the law. The proposed agency would provide a streamlined process which removes the potential for confrontation because the enforcement is done through a third party which is not merely an information receiving and delivering agency. The lack of enforcement of court orders is not just a matter of money but is contrary to good social, public policy.

It is a sad fact that children become pawns in the struggle between two former spouses. The result is that custody and access orders are being ignored. With the creation of this national maintenance and custody orders enforcement agency, such orders will be enforced and disrespect for court orders will not be tolerated. Statistics available from Manitoba and other jurisdictions reveal that the cost of such a system is more than offset by the amount saved on income support payments to sole-supporting women and their children.

I am aware that a national maintenance and custody orders enforcement agency requires the co-operation of the provinces but the inequities and emotional and economic hardships being felt now as a result of defaulters must be rectified quickly. It is imperative that the federal Government show leadership in setting up this agency. The Minister had plenty of time to consult with his provincial counterparts. It has been years since our divorce laws have been changed. New circumstances, new ideas and new procedures form the substance of this legislation. It is important to keep on top of change and make certain that the legislation is reflective of the times, particularly when we are dealing with legislation as important as this, legislation which touches the lives of all Canadians.