

which would permit the provinces to allow divorces which are uncontested without an expensive court hearing. That would save both time and money. At the same time, I would urge the Government to do whatever it can to promote the concept of unified family courts. There are unified family courts in a number of jurisdictions. I hope the Government will recognize that the concept of one court, in which legal proceedings can take place with respect to divorce as well as providing facilities for conciliation and mediation, is important. Financial assistance to establish unified family courts should be provided.

Reform in the area of divorce law involves two basic elements. It involves the whole question of the grounds upon which divorce is granted, and it involves the question of maintenance. The Law Reform Commission of Canada, in 1976, made that point very clearly. It stated:

Reform involves two courses of action. First there must be an effort by government in Canada to improve individual laws and practices that deal directly with maintenance enforcement. Second, the whole body of marriage breakdown law must be thoroughly re-shaped. It is as much the traditional fault-and-adversary foundation of this law as it is the particular deficiencies in enforcement techniques that accounts for the appalling record of non-payment of maintenance obligations in Canada.

The final areas I wish to address today are the question of maintenance, the enforcement of maintenance orders and an assurance that where maintenance is ordered, the spouse in question makes those payments. This Bill is a significant improvement over the previous legislation in several respects. First, the criteria upon which maintenance is granted are improved. They are more appropriate and recognize that it is not always possible for a woman who is 50 or 55 years of age, who has been working in the home for many years, to be able to quickly establish economic independence. Indeed, that may not be possible, given the high levels of unemployment today. The second improvement was in the area of fixed maintenance awards. The previous Government's legislation made provision for awards which, at the end of the term, could not be varied under any circumstances. Clearly that was wrong. I am pleased the Government has recognized that and is making provision for the possibility of reopening fixed term awards where the circumstances might not have worked out as the court had anticipated in making the original award. The previous provisions were particularly unfair to older women who might have undergone a process of retraining but simply were not able to find jobs after that.

With respect to the enforcement of maintenance orders, I would urge the Government to adopt as a policy the establishment of a national enforcement agency which would begin the enforcement process when a spouse defaults on payments, and which would also have the authority to garnishee wages and other income sources. The enlightened Government of Manitoba has, once again, led the way in that area. Manitoba in fact has the only automatic state initiated enforcement system in Canada. Whereas in 1975, some 75 per cent of Manitoba orders were in default, in 1983, after four years of automatic state enforcement, 85 per cent of maintenance orders were in fact being collected. The program was so successful in 1983 that it actually made a profit. It collected some \$8 million and

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the total cost of collecting that amount was about \$300,000. Of the amount collected, some \$600,000 was turned over to the provincial treasury. Therefore, I would urge the Government not to just nod its head and say, "Yes, this is a good system", but to go further.

● (1720)

In the United States, the federal Government in fact funds to the tune of 75 per cent state enforcement mechanisms similar to those of Manitoba. I would urge the federal Government in Canada to similarly assist in the cost of provincial enforcement mechanisms such as the excellent enforcement mechanism used in the Province of Manitoba.

I welcome the access which is being made available by the federal Government to a number of federal government data banks. I would hope that all provinces would open up access to at least one major data bank in order that people who live in any province might avail themselves of these provisions. Fifty per cent to 85 per cent of divorce awards in Canada today remain in default. This is partly as a result of bitterness over the court process, and only some 15 per cent remain in default as a result of inability to track down the defaulting spouse. The main problem is enforcement. Certainly, a national enforcement system, coupled with strong and effective provincial enforcement mechanisms, would go a long way to ensuring that women who are awarded maintenance in fact receive that maintenance.

Finally, Mr. Speaker, on the question of variation of maintenance orders, I would note that once again this Bill is an improvement over the predecessor legislation. Under the previous Bill, an order could be sought varying maintenance in one province, even though the spouse was in another. This worked a particular hardship, particularly on women who could not afford to travel to the ex-husband's province. It was again as a result of representations made by the Province of Manitoba that the Government changed this provision.

The final area I would like to touch on just briefly is the whole question of pension splitting. I would have hoped that the Government would have moved forward and recognized that in this country today, at both provincial and federal levels, women should be entitled to an equal share of pension credits. The federal Government in fact should have included in this Bill an amendment to all federal pension laws which would provide that all pension credits, subject to its jurisdiction, would henceforth be shared equally between the spouses on the breakdown of the marriage. In many cases, Mr. Speaker, the woman has been working in the home for many years and has not been in the work force. She has not been in a position to build up credits for a pension. I hope that the Government will move forward quickly in the area of the splitting of pension credits.

In conclusion, Mr. Speaker, may I say that we welcome the introduction of this important legislation. We support the underlying principles of it. We will be proposing a number of amendments to strengthen the Bill in committee, but we are anxious that it be referred to committee quickly so we can hear