

Alimony and Maintenance

yes. If he is asking if there is apathy, the answer is no. If he is asking if there is indifference, the answer is, categorically, no. It has nothing to do with indifference or with apathy. I know it is easy to characterize it in that particular way, but it serves no useful purpose. This is not an issue which ought to have any partisan connotations. It is an issue which affects many of us as legislators and many of us and our friends as individuals. I believe there is a willingness to get on with the job, but let us get on with the job in the right direction. Let us not create more problems than we solve by a half-baked solution. I am not suggesting that the gentleman—

Mr. Huntington: I rise on a point of order, Mr. Speaker, I think I would like to caution the Hon. Member for Burin-St. George's (Mr. Simmons). When he says it is a half-baked solution, I would like him to know that two lawyers in the Parliamentary Counsel's office worked for over three weeks, night and day, and a Family Court lawyer in Vancouver worked for some six months, putting this issue into a form which would allow—

The Acting Speaker (Mr. Corbin): Order. The Chair has heard the Hon. Member for Capilano. However, this is hardly a point of order. It is a contribution to debate. The Hon. Member for Burin-St. George's has one minute left.

Mr. Simmons: Mr. Speaker, had my good friend from Capilano listened, not only to my second to last sentence but to my last one as well, he would have heard in my last sentence, when he was drafting his point of order, that I am not suggesting this Bill is a half-baked solution. I do not for a moment suggest that. In my opening remarks I commended him for allowing the House to air this particular issue again. I know the Hon. Member is very committed to this issue. I am very committed to this issue as well. The Hon. Member does not have the waterfront fenced off on this particular issue. It is an issue we are all concerned about, and the sooner we express our concern in a non-partisan fashion, the better we will serve the victims of the present inadequacies of the system.

Ms. Lynn McDonald (Broadview-Greenwood): Mr. Speaker, I am very pleased this afternoon to take part in this debate on maintenance. It is an extremely important matter and one which the women's movement of Canada has been concerned about for years, and on which it has been making proposals.

Bill C-250 which is before us today is one solution to the problem, but it is a solution which shows the constraints on a private Member's Bill. This is a matter in which we need more than a Private Member's Bill, clearly, but it certainly lays before us the problem and does give us an opportunity to address it, so I welcome that opportunity and I commend the Hon. Member for giving us at least one reasonable solution to the problem.

The object is the automatic enforcement of maintenance orders, fast and efficient enforcement without costly and prolonged effort on the part of the dependent spouse who needs the money. Overwhelmingly, that is a woman with dependent children who is in desperate need. The facts are only too well

known. Back in 1971-1972, an Ontario study showed that only 58 per cent of maintenance orders were paid. Since then, the figures have become even worse. A Calgary study more recently showed that 85 per cent of maintenance orders were in default to some degree or other. Of these orders, 50 per cent were in substantial default. Current estimates over-all show that 75 per cent of maintenance orders are in default to some degree or other. Overwhelmingly, maintenance orders are not being respected. We know that this means large numbers of mainly women and children living below the poverty line.

At the same time, we know that improved methods of enforcement do work. Manitoba has instituted a system of automatic enforcement with a computer as back-up. In the first ten months of operation, the enforcement of maintenance orders was improved by 70 per cent. I believe this is an extremely interesting figure which shows this kind of improvement. That was in 1980. And we can expect further improvement as the system has more time to evolve. Quebec has improved its system of enforcement of maintenance orders as well.

I believe this puts a different face on the contention in previous debates on the subject that the reason that so many maintenance orders were not respected was a lack of money on the part of the person against whom the order was issued. The then Parliamentary Secretary to the Minister of Justice on the last day this Bill was debated actually said that in 50 per cent of the cases there simply was not any money to collect. Clearly this is false. A 70 per cent improvement shows there is a lot of money out there which is not being collected because there has not been the will to do it and the mechanisms have not been put in place. When the Parliamentary Secretary made that remark, he had no evidence. It was just an excuse for complacency, and we have had more examples of that complacency this afternoon on the part of the previous speaker.

We know that on average, women earn 60 per cent of what men do for full-time work. A woman raising children is more likely to be working only part-time and earning even less than 60 per cent. Therefore, if maintenance orders are not paid, this puts an enormous burden on people who have much less opportunity to bring home the income to pay for the family. The male breadwinner in the situation has a far better opportunity and certainly has the obligation to pay that maintenance money.

Let me comment specifically on what is wrong with the Bill before us this afternoon. Bill C-250 would keep the enforcement of maintenance orders at the level of superior courts. Unfortunately, the superior courts of the Provinces are the worst courts to have this responsibility because their procedures are cumbersome, there is a long waiting list and the costs are higher. It is faster and much less costly for maintenance orders to be dealt with at the provincial Family Court level.

● (1600)

This Bill at least puts the impetus where it should be, that it is up to the court to act, not the individual. The Law Reform