

Adjournment Debate

he accuses the government of niggardliness in not giving effect to the dogma of equal pay for equal work anywhere in Canada. I have endeavoured to explain to the House on earlier occasions that the government believes it is the government's duty to taxpayers to provide an efficient public service, that is, a service to the public and an efficient one, which means one that is not wasteful of the taxpayers' resources and is performing effectively the duties placed upon it in satisfying taxpayers' needs and demands.

In the case of regional pay policy, the government for years has taken the position that it will not be a leader in matters of pay and salary but will follow the pattern set by what is generally known in this country as the private sector. Given the choice of trying to equate the pay of the public service to that of the private sector on a national level or on a regional level, the government must, for common sense reasons, use a regional basis.

The hon. member for Central Nova (Mr. MacKay), I am quite sure, commends the recognition by the government that there are regional disparities, that different regions of Canada should receive even from the federal government different treatment, and that the purpose of the federal government in its employment policies is to produce the least possible regional disparity or dislocation. As a consequence, where there are large groups of employees in a region whose mobility from region to region is either very limited or non-existent, an endeavour is made to equate—

Mr. Deputy Speaker: Order, please. I regret to interrupt the minister, but his allotted time has expired.

ADMINISTRATION OF JUSTICE—ENFORCEMENT OF
MAINTENANCE ORDERS ISSUED BY FAMILY COURTS—
RECOMMENDATION OF LAW REFORM COMMISSION

Mr. Dan McKenzie (Winnipeg South Centre): Mr. Speaker, my remarks tonight will be short and to the point. On March 11, as recorded at page 353 of *Hansard*, I asked the following question in the House:

In light of the fact that 75 per cent of all family maintenance orders made by Canadian family courts against deserting husbands are defaulted, and in light of the fact these defaults cost Canadian taxpayers \$365 million annually—

I am sure that in Manitoba the loss amounts to \$10 million annually of which only a small percentage is recovered.

—does the minister intend to adopt through legislation the recommendation of the Law Reform Commission which would give family courts an investigative and enforcement apparatus to track down elusive fathers, thereby assuring compliance with any maintenance order issued?

As could have been expected, the so-called answer I received was in fact a non-answer. The Minister of National Health and Welfare (Mr. Lalonde) whose jurisdiction in this matter is only partial, said something to the effect that the federal government will be discussing this matter with the provinces. The problem, however, is that this is a matter of utmost urgency.

As things now stand, a court order to a man for maintaining financially the family he has abandoned is often worth no more than the paper it is written on. While the divorce law is federal, the laws that govern other aspects

[Mr. Drury.]

of marital break-up, maintenance, child support and property rights continue to vary as provincial responsibilities under the BNA Act. These responsibilities, though, are seldom enforced by the provincial courts: they leave that job to the deserted mother.

● (2210)

The federal government must act through whatever means possible to ensure that the job of tracking down deserting fathers is not left to deserted mothers. Presently, a deserted mother not only has to track down her spouse but has also has to keep returning to court for new maintenance orders if he defaults. As well, she has to hire a lawyer if he refuses to comply.

At present it is believed that about half the number of children entitled by court order to receive financial support from their father do not receive a cent. This is indeed an injustice. Under the reciprocal enforcement of maintenance orders, any provincial maintenance order affecting persons outside the province lacks force until it has been confirmed in a court in another province or country. An Ontario court, for instance, can order maintenance, but if the husband moves to Alberta he does not have to pay until the order has been reconfirmed through an Alberta court. Upon being contracted by an enforcement agency, a delinquent husband must either make a payment or a show cause summons will be issued. If he ignores this summons, the court seldom acts, though in rare cases if he is still around and refuses to pay he may be arrested and jailed.

Considering this disastrous state of affairs with regard to family law in Canada, the recommendations of the Law Reform Commission of Canada are most welcome and should be implemented immediately. Basically, the commission would give the family courts an investigative and enforcement apparatus to track down elusive fathers, inquire into their finances and advise the courts on how much they could pay and, by methods unspecified, "ensure due compliance with any maintenance order issued". The commission also implies that in cases of default it would favour having the courts themselves pay all moneys to the family awarded in a maintenance order, with the money coming either from the father or provincial welfare funds. The commission does not discuss methods of enforcement but these can be worked out on consultation.

The commission's major recommendation is that all matters of family law should be gathered together under one court. As the commission points out, it makes sense that the judge who grants a divorce should also deal with the division of marital property, child custody, access to the child by the parent who does not have custody, and the welfare and maintenance of the child. However, as was mentioned, the constitution presents a barrier for it splits responsibility for these matters between the federal and provincial governments and, therefore, the same case is handled by different judges and different courts. It seems obvious that the commission's recommendations should be adopted.

In conclusion, I am hopeful that the federal-provincial discussions concerning the commission's recommendations will be a starting point for these much needed changes.