

Divorce Act

single-parent families. They have no provisions for their future. They are not covered, for example, by the Canada Pension Plan.

The Hon. Member for Edmonton South (Mr. Roche) made a strong case during the course of his speech on this Bill for mandatory mediation. I suppose you can make a case for no-fault divorce, but surely we should recognize the importance of marriage. Before granting a no-fault divorce there should be a process of mandatory mediation. That should be fundamental in the whole concept of no-fault divorce. At the Hon. Member suggested, it has been tried in other jurisdictions and it has been shown to be practical and successful in keeping down the rate of divorce through reconciliation, bringing couples back together. It is a proposition that has been put forward by a number of groups in Canada, including the Roman Catholic bishops of Canada, the Pentecostal Assemblies of Canada, just to mention two.

They have identified the lack of compulsory mediation as one of the basic shortcomings of this legislation. If there is to be no-fault divorce, and I have difficulty with that, there has to be mandatory mediation. This at the very least would be society's way of stressing the importance of the marriage contract and its commitment to protect and preserve the family unit. One submission on this Bill came from St. Andrew's-Wesley Church in Vancouver. I quote from their submission. It reads:

You do not divorce your children. Divorce severs the connecting relationship only between the parents. The relationship between the child and each parent is sacrosanct and unless harm can clearly be anticipated it should continue on in perpetuity to the continuing benefit of the child.

It then goes on to recommend that this Bill include a provision of legal presumption and the need for continued joint parenting. We are talking here about the rights of children who are overlooked in this legislation and are overlooked in the divorce courts of this country. We as parliamentarians have an obligation to address that problem. Dr. Julien Payne, Professor of Family Law at the University of Ottawa, put it this way:

To all intents and purposes, therefore, current judicial practices (in Canada) confirm that the legal divorce process severs not only the marital bond but also the child's bond with the non-custodial parent.

Hence we have the single parent family, the lack of enforcement maintenance orders and poverty among single-parent families, largely headed by women. This Bill fails to address that problem by not providing for mandatory mediation. Unless we take steps now in this legislation to protect the rights of the children, and we would be recognizing these rights by putting in a provision for mandatory mediation, thereby recognizing the rights to which we are signatories under the United Nations Charter of the Rights of Children, we will be seriously undermining the family unit in this country. That is a move we will live to regret.

Who will speak for the children of broken marriages? Who will speak for the young people who will now be able to try it

out for a short period of time, knowing they can go through the relatively simple process of no-fault divorce? What about the consequences of these short marriages? Who will look after the children? The family is already threatened from all sides in our North American society. Inflation and the pressures of the consumer society have resulted in the phenomenon of both parents being forced to work, both parents having to enter the workforce to cope with rising costs and the need to keep up with the Jones, leaving the children largely unprotected and uncared for, vulnerable and susceptible to the commercial pressures of the mass media.

Surely as responsible legislators, society expects us to protect its interests by incorporating in this Bill whatever provisions are necessary to recognize children's rights and the importance of the family unit. It is interesting that in the materialistic godless societies of this world, as perhaps best exemplified by the communist regimes of this world, they are doing exactly that. In the Soviet Union, they are taking steps to reduce the incidence of abortion. They are also taking steps to cut down on the incidence of divorce because of the impact it is having on Soviet society. Within the People's Republic of China, they are taking steps to preserve the family unit by overturning one of the Maoist principles which would provide for one of the parents, the mother, to remain at home to care for the children and the family. Surely we as a society that is based on the Judeo-Christian concept have a responsibility equal to that of those societies which do not recognize any kind of Judeo-Christian principles, or any principles for that matter save those that are in their best interests.

● (1610)

As I indicated at the beginning of my remarks, I believe that this is probably the most important Bill with which we will have to deal. I think it should be dealt with as an important Bill. When the Bill goes to committee, the committee should receive briefs and hear witnesses from all segments of our society. I do not think that the question of children's rights is adequately understood or has been adequately addressed in the country. I do not believe that the importance of the family unit has been adequately addressed in this legislation. For that reason, I believe that this Bill falls short of meeting the traditional requirements of this basically Judeo-Christian society.

The Acting Speaker (Mr. Herbert): There follows a 10-minute period for questions and comments.

Mr. Thacker: Mr. Speaker, my colleague has had many, many years of experience in this House and I would appreciate hearing his personal views about whether he believes the law results in a change in action by society or whether the law follows a change in action by society. We saw what happened when we changed the law with respect to abortions and we saw what happened when we changed the law with respect to divorces. To what extent does he think that the law is a leader