

*Divorce Act*

Messrs.

Killens (Mrs.)	Massé	Regan
King	Masters	Reid
Korchinski	Mayer	(St. Catharines)
Lachance	Mazankowski	Roberts
Lajoie	McCain	Rossi
Lalonde	McCauley	Roy
Lambert	McCuish	St. Germain
Landers	McDermid	Savard
Lang	McKinnon	Schellenberger
Laniel	McLean	Schroder
Lapierre	McRae	Scott
Lapointe	Mulroney	(Hamilton-Wentworth)
(Charlevoix)	Munro	Shields
Lapointe	(Esquimalt-Saanich)	Siddon
(Beauce)	Munro	Simmons
La Salle	(Hamilton East)	Smith
Lawrence	Neil	Speyer
LeBlanc	Nickerson	Stevens
Leduc	Nielsen	Tessier
Lefebvre	Nowlan	Thacker
Loiselle	Oberle	Tobin
MacBain	Olivier	Tousignant
MacGuigan	Ostiguy	Towers
Mackasey	Ouellet	Turner
MacLaren	Parent	Vankoughnet
MacLellan	Patterson	Veillette
Malépart	Pelletier	Watson
Malone	Pepin	Wenman
Maltais	Pinard	Wilson
Marceau	Portelance	Yanakis—182.

● (1700)

**Mr. Speaker:** I declare the motion lost.

[Translation]

**Mr. Lalonde** moved that the Bill as reported be concurred in.

**Mr. Speaker:** Is it the pleasure of the House to adopt this motion? Agreed?

**Some Hon. Members:** No.

**Mr. Speaker:** On division?

**Some Hon. Members:** On division.

Motion agreed to on division.

[English]

When shall the Bill be read the third time? At the next sitting of the House?

**Some Hon. Members:** Agreed.

## GOVERNMENT ORDERS

[English]

### DIVORCE ACT

#### MEASURE TO AMEND

The House resumed from Friday, February 24, consideration of the motion of Mr. MacGuigan that Bill C-10, to amend the Divorce Act, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

**Mr. Donald W. Munro (Esquimalt-Saanich):** Mr. Speaker, in what I have to say this afternoon, whether it is heard or not—I do wish that those who have conversations would carry them on behind the curtain—in what I have to say in continuance of my intervention in this debate on February 24, 1984, as recorded at page 1731 of *Hansard*, I want it clearly understood that—

**Mr. Deputy Speaker:** Order in the House.

**Mr. Munro (Esquimalt-Saanich):** I want it clearly understood that although I am opposed to this Bill, I am not opposed to it on the grounds that it introduces the notion of what is called no fault divorce. That I can live with, as a notion. It is perhaps time that an element of that sort was introduced into legislation, if only to eliminate some of the fraud and/or fictitiousness that I am told surrounded many divorces under the present legislation. A no fault provision may well put an end to that fraud and/or fictitiousness and some of the pain and anger that has gone with it for the partners and for the children. Pain and anger may even be putting it mildly. It may well be worse, it may be agony and psychological trauma. If we can avoid that by introducing a no fault provision into the divorce proceedings, perhaps we will be doing well.

● (1710)

Not all divorce should have to rest on the no-fault provision. In some marriages there is fault. If there is, that fault should be revealed honestly in the clear light of day, assessed, and settlements determined accordingly. That is one point. The Bill is too restrictive in the grounds it recognizes and in the instructions it gives to judges who sit on divorce cases. They are being instructed to disregard fault where real fault can be established. Also, the provisions in the Bill with respect to ensuring that support costs are paid do not satisfy me and should not satisfy any Canadian. They are not strong enough.

In addition, Mr. Speaker, there has been no real attempt so far as I can see to enforce the payment of support costs when one or other of the partners moves beyond the provincial jurisdiction in which the decree is granted. A central registry is essential if we are to manage the payments to the injured party in any divorce procedure. On these grounds alone I am opposed to the Bill. The grounds are too limited and there is inadequate provision for enforcing payment of support costs even within the jurisdiction of the court granting the divorce. As well there is no central registry and inadequate consultation with the provinces to assist with the payment and collection of support costs.

I would go further and suggest that Canada ought to begin by entering into bilateral arrangements to ensure support costs; even a multilateral or UN move to ensure that if one of the partners should leave the jurisdiction of Canada there is still a possibility of collecting support costs and ensuring that they are paid. That sort of thing should be put in place. I came to this conclusion after looking at the provisions of the Bill. I think it well that we should look at it again. Let us understand how the Bill proposes to deal with divorce.