

insufficient direction to the court as to which factors must be taken into account in awarding support orders, a weakness that represents a step backward rather than promised progress, the promotion of term orders as a major focus in this Bill. I find that regrettable. There is a place for term orders. There should be an end, and there should be an end to the long tunnel with a light that indicates where we are going, but not a directive that you cannot, in essence, really have preferential treatment for a term order.

The Conservatives promised to assist the many spouses who fail to receive the support for themselves and their children to which they are entitled through court orders. Unfortunately, these spouses will still be required to spend needed income to hire lawyers in order to access federal information resources and to pursue complicated legal channels so as to get the support they deserve for themselves and for their children.

I think we have gone a good first step, but we did not go the step further that would be helpful. I have another area of serious concern, that is, the question of the definition of the child of the marriage. If you will recall, we addressed that issue. The age of a child 16 and 17 is not covered. These young people are at a very vulnerable stage. There should be some assurance of continuation of support. The key concern is that responsibility for children should not terminate when they reach age 16. That youth is our future. Why should they be sitting wondering where they sit. Why put them in limbo? It is unconscionable to have done that. The argument of the Minister of Justice (Mr. Crosbie), and the legal counsel to the Minister of Justice was not supportable.

One of the reasons we are here as legislators is to change what is unacceptable. If other provinces have not had enlightened change or have not been able to move in their laws, then we should set the guidelines, set the road and set the marker. The Province of Ontario has done so. The Province of Quebec has done so.

It is clear that age 18 is the age of majority. It applies in the Elections Act and in the Young Offenders Act. There is no excuse not to have age 18 apply here and lead the way. Further, not knowing where they stand by the time they are going to hit their sixteenth birthday creates such hardship on young people who have already gone through the trauma of a divorcing family. What kind of a birthday present is that? It is supposed to be sweet 16. How sweet will it be if you do not know if you are going to continue receiving maintenance support and you do not know whether your college will be assured? If that was the lifestyle which you as a young person were ready and able to carry on, I cannot see why you should not be allowed to have that carried on through the support of the non-custodial parent. I think of the very sad case of dependent young adults who are handicapped where there might be a death of the spouse receiving the custodial support funds which puts a whole situation into jeopardy. That ought to be reconsidered.

We agree that education is the key to success in today's society; then the potential for jobs in a highly competitive industrial society must be considered. This human capital,

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which is our youth of tomorrow, with so many tens of thousands in society who are living in a divorced situation, must be considered. I would say the Bill is flawed in that area.

It is hard to ask, as the Minister said, for the mothers or the fathers to concentrate on raising their children, and the children may have other concerns too, when they do not know what is going to happen to their future. The argument is weak from the ministry. I believe the attitude of the Ministry has been all pervasive. In my own view it has been constrained.

We as legislators in this House should move to adopt some of the more sensible and humanizing changes to this legislation which were recommended, not only by my Party, not only by the New Democratic Party but also by members of the Conservative Government itself.

I am concerned about the inclusion of fault grounds in this Bill which emphasize the attachment of blame and lead to a vindictive adversarial process. It is my position that by eliminating the direct opportunity for mud-slinging, which fault grounds provide, the focus of divorce will shift from an unproductive ground of accusations and counter accusations to the more important issues at stake in a marriage breakdown, namely, the restructuring of the family so that everyone suffers as little as possible, both emotionally and financially.

There are a number of tools that could be put in place to ensure the least negative, psychological impact on all parties involved. One such example would be the filing of a plan with the court assuring maximum contact between the child of the marriage and the non-custodial spouse with a mechanism to ensure that this is respected.

The Government's goal to make divorce less confrontational and more humane are seemingly at odds. The Government's position underscores the difference between laudable, high-principled, rhetoric and reality in fact. It all seems so pointless and inconsistent.

The parties to a divorce can now get a divorce after one year of separation instead of waiting for three years. Fault grounds are not to be considered under this law in making decisions with respect to maintenance and custody orders, and through provincial channels immediate interim orders are available upon separation and prior to actual divorce. Why do you need to keep fault—adultery, physical and mental cruelty—in there?

With regard to spousal and child support, Mr. Speaker, I am concerned about the impact this will have upon women who end up economically disadvantaged after divorce. In Ontario, as an example, according to Statistics Canada in 1983, the amount awarded for both child and spousal support averages approximately 20 per cent of the husband's after tax income. That is really not very much money.

Further, as found by a Vancouver study, support awards are not only extremely low in relation to needs but they remained constant in the seventies. They have not kept pace with the rise in the cost of living and the general wage structure in our society.