tion of at least one year. I want to say without reservation that we in the NDP strongly support this move. Indeed, as long ago as 1967 we adopted a policy calling for the introduction of no-fault divorce in Canada. That followed hearings by the special joint committee in 1966 and 1967. Indeed, it was in 1967 and 1968 that the last major overhaul of the Divorce Act took place. At that time my colleagues in the NDP argued for marriage breakdown as the sole ground for divorce. I want to pay tribute to the far-sightedness of former Members like Grace MacInnis, Andrew Brewin and John Gilbert, along with other Members, who argued for the kind of enlightened legislation which is being brought forward today.

● (1700)

At the same time, I would like to pay tribute to two gentlemen who perhaps more than any others fought to ensure that the House of Commons recognized that divorce law in Canada was archaic and had to be changed. Those two gentlemen were Arnold Peters and Frank Howard. They single-handedly conducted a filibuster in this House by bringing each individual petition for divorce from the Province of Quebec before the House. Back in the 1950s and the 1960s, as you will recall, Mr. Speaker, it was the case that divorces in the Province of Quebec could only be obtained by bringing an individual petition to the House of Commons. It was Arnold Peters and Frank Howard who said that that kind of nonsense had to end.

There are those who have expressed concern about the fact that we are not retaining the 14 or 15 grounds of fault which are contained in the present Divorce Act even though realistically, only three or four of them have been used in the courts on a regular basis. Perhaps it was the Catholic Women's League that put it best in its brief to the House with respect to the question of no fault divorce. The brief indicates the following:

> The present system of having to "air one's marital laundry" in a public courtroom seems both demeaning and time-consuming. It is obvious that at a point of time where the matter is being heard by a Divorce Court Judge, any possibility of reconciliation has long since dissipated. The present system appears to lend itself to a good deal of mutual disrespect and disposes of any possible future friendship the spouses may have. Furthermore, the accusations and counter-accusations of the present adversarial system seem to do a great deal of harm to the familial relationship which often-times must survive the dissolution of a marriage because of children.
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> Accordingly, it is our submission that the best interests of all parties concerned, including children would best be served if the only ground for divorce were permanent breakdown of the marriage.

As I said, that was the position taken by the Catholic Women's League. It is rather interesting that it would appear to be in some conflict with the position taken by the Catholic bishops. I would certainly defer to the wisdom of the Catholic Women's League on this particular issue.

The Government has decided that it will effectively eliminate the fault provisions of the Divorce Act, but instead of accepting the argument that we should eliminate entirely the fault grounds on the basis that a marriage breakdown is a complex situation and that to ascribe the breakdown to a particular act or series of acts denies the reality of the marriage, the Government has attempted to retain the fault concept by permitting couples to obtain a divorce after a separation of less than one year on the grounds of adultery or cruelty. We have serious concerns about the retention of these fault grounds and I would like to take a moment to explain why it is that we believe that this is not the most appropriate course for the Government to take and that in fact its provision for a one-year period of time before marital breakdown is established should be the sole ground for divorce.

First I would note that by retaining the grounds of adultery and cruelty, children will still be called upon to testify with respect to violence. Children will still be called upon to testify as to how daddy beat mommy. We will still have a situation where fault is ascribed and the marriage breakdown is pinned solely on one party. That cannot be a step forward for Canada today.

As well, by retaining the ground of adultery, couples will still connive even though conniving and collusion is illegal. I think most Hon. Members know that when couples wish to obtain a divorce earlier, they will go through the motions of establishing evidence of adultery by hiring private investigators who burst into motel rooms at in appropriate times with flashbulbs flashing. The charade which is involved in establishing the ground of adultery will continue. Private investigators will still peer through the windows of individuals after which they will swear affidavits. I had hoped that those days would be gone. Unfortunately, the Government has decided to retain those two grounds for divorce. I hope that the Standing Committee on Justice and Legal Affairs will consider carefully whether this is indeed in the best interests of Canadian men and women whose marriages have broken down.

It has been argued that these grounds will be relied upon only in rare circumstances. I would like to point out that the evidence from other jurisdictions is very much to the contrary. In fact, in jurisdictions which grant divorces on both fault and no fault grounds, fault grounds are used more often than no fault grounds. In 1974, for example, in England and Wales where there is a two-year period of separation before a no fault divorce can be granted, slightly over 60 per cent of divorces proceeded on fault grounds. I would point out as well that if one wants to prevent couples from making too hasty a decision to divorce, it does not seem wise to maintain in the Act grounds which would facilitate a divorce after only a few weeks or months. Surely a one-year minimum is appropriate in those circumstances.

Mr. Thacker: What about the pregnant woman?

Mr. Robinson: Other Members have raised concerns about issues related to this matter and I am certain that in the context of the committee hearings on this Bill, those concerns will be aired fully. The Canadian Advisory Council on the Status of Women has raised its concern that in some instances, the retention of the grounds of adultery and mental or physical cruelty may in fact receive undue consideration in determining custody arrangements in provincial courts.