

Divorce Act

unemployed person to find a job, given the present state of the economy? Therefore, short-term maintenance becomes dangerous when it is coupled with awarding lower amounts, which is also encouraged by the Bill.

I would like to list in my remaining time some of the other shortcomings in the Bill. For instance, the objectives of maintenance and enforcement features are woefully inadequate. We will oppose this Bill now because of its shortcomings. When it goes to committee, we hope something will be done about them.

The Acting Speaker (Mr. Herbert): There follows a ten-minute period for questions and comments. As there is no one wanting to put a question, for continuing debate, the Hon. Member for St. John's East.

Hon. James A. McGrath (St. John's East): Mr. Speaker, this is probably one of the most important Bills to come before Parliament. Certainly it is without question the most important one in this session, in my opinion. I say that because of the negative impact it can have in its present form upon Canadian society, especially upon the keystone of society, namely, the family unit.

There are those who would say that the Bill is merely an ongoing reform, that it is the result of the processes of law reform, that it merely responds to that process and that what we have before us today is merely the results of the processes of the Law Reform Commission and Canadian law societies. Essentially, we have before us today a lawyers' Bill. It was drafted by law officers of the Crown within the sanctuary of the Department of Justice. In its present form, it largely ignores the responsibility of Parliament to maintain the family unit as the most important and indeed the bedrock of Canadian society. Some wise person once said that war was too important to be left to the generals. I can paraphrase that statement by saying that divorce and family law are too important to be left to the lawyers. If we are not careful, vigilant and prudent, we could, by the passage of this Bill, be opening the floodgates for divorce in the country, thereby undermining the security and sanctity of the family in Canadian society and, equally important, the rights of children.

I remember another Bill in a previous session of Parliament. It was in 1969. It was a Bill to amend the Criminal Code with respect to its provisions dealing with abortion. The purpose of it at that time was to provide the legal basis for therapeutic abortions. We were told that it was merely a reform of the law which would give some legal justification, some *de jure* justification, to a *de facto* situation. At that time the *de facto* situation was the 300 or 400 therapeutic abortions which were performed yearly in Canadian hospitals. At that time we did not know very much about abortion nor did we fully understand the implications of what we were doing by that Bill. The Bill was passed and it has been subsequently overtaken by events. For example, it was overtaken by medical science, the

Charter of Rights and the whole question of the right to life, specifically the rights of the unborn child. The unborn child is now treated by medical science as a separate person through the medical science of fetology and out of the womb surgical procedures. Little did we know 15 years ago that we would be opening the floodgates to a massive denial of the legal and constitutional rights of the unborn.

● (1600)

In 1969, there were 300 therapeutic abortions a year. That has increased to over 70,000 in 1983. In one year in the City of Toronto, I believe it was 1981, there were more abortions in that city than there were live births. I use that argument because it perhaps best expresses my concern about what we are doing here today.

Today in Canada four out of every ten marriages end in divorce. We can anticipate that this number will increase quite significantly and drastically with the no-fault definition of marriage breakdown as contained in this legislation. This has been a good debate. I look forward to the time when the Bill goes to committee. I say it has been a good debate because I have heard some excellent speeches on both sides of the issue. There were relevant speeches in terms of dealing with this question in a just way.

Let us take the question of maintenance. In my opinion—and other speakers have addressed this problem—the Bill does not deal adequately with the question of how to enforce maintenance. What is more, it ignores, with respect to maintenance, the basic rights of children as set out in the United Nations Charter of Children's Rights and their basic fundamental right to be raised in a healthy family environment.

The Hon. Member for Victoria (Mr. McKinnon) put forward a suggestion with regard to maintenance and our inability to enforce maintenance orders. He put forward the need for federal-provincial co-operation and the need to establish a central registry with regard to the implementation, enforcement and collection of maintenance orders. That is a very positive suggestion, one that addresses one of the basic weaknesses in this legislation.

I remember seeing a study over U.S. television recently dealing with the question of poverty. It dramatically showed the plight of women in the United States trying to cope with raising their children alone, having been abandoned by their husbands. One thing stood out, and that is, that in each case of the women interviewed, all of whom were living in poverty, the courts had legally provided for their maintenance. We are talking about a number of jurisdictions in the United States. In each case society was powerless to enforce the court order. Thus, the children were not only deprived of a normal double parent family, but were in fact physically deprived of the basic requirements of a healthy upbringing by being forced to live in poverty. In our society today, women are among the poorest of the poor, abandoned women, women who have to look after