

Alimony and Maintenance

Bill C-250, which was a partial amendment to the Divorce Act which is in Bill C-364, was very simple. All that needed to be done was to repeal Section 15 of the Divorce Act and replace it with two Sections that allowed that, "Any order made under Sections 10 or 11 by any court may be registered in any other Superior Court in Canada and, when registered shall be deemed to have been made by that Superior Court and shall have the same course and effect as if the order had originated from it". We were simply attempting to amend the Act in order to allow maintenance orders to go through.

Further, Bill C-250 sought the inclusion of Section 15.1(1), which stated:

Notwithstanding any law or practice to the contrary, every court making an order under Sections 10 or 11 and every court deemed by Section 15 to have made such an order is responsible for the enforcement of the order within the Province where the court has jurisdiction.

It also sought the inclusion of Section 15.1(2) concerning no special default proceedings, which stated:

Without limiting the generality of subsection (1), the court shall not require a spouse to initiate a procedure for garnishment of wages or seizure and sale of property or any other procedure in order to compel enforcement of an order described in subsection (1), but shall, through its officers, upon default under such an order, issue such continuing orders and initiate such further action as it may, under the circumstances, deem necessary.

Section 15.1(3), dealing with payment into court, stated:

To better ensure the enforcement of its orders, the court may require that all moneys owing pursuant to an order made under section 10 or 11 be paid into court, whereupon the court shall forthwith transmit the moneys so paid to the spouse on behalf of whom or on behalf of whose children the order was made.

Section 15.2 also allowed them to attach and garnishee wages of people working for the Crown.

Why can backbench Members of all Parties in the House not be heard by the Government? Why can we not address this very serious social issue? Why can we not put some heart into our activities here and address this issue?

The United States has taken a much more detailed look at this issue than the Government is prepared to do in Canada. There are income withholding laws in the United States where some States move in and seize the entire bank account and take some serious and drastic actions. Why is the Government postponing action on some simple requests for amendments to the existing law which would give some heart and compassion to this growing segment of our society and would allow children of single parents to be brought up in some decency? I suppose I would call it pride of seed. I would hate to think that I was ever responsible for abandoning a child to another person unable to fully support that child. Where has our sense of pride, dignity and decency gone? Has it gone from the people of this country? We are dealing with a breakdown of the whole family unit. We have a rising number of cases of single parents trying to bring up their children and get them through the educational process, and it is a very difficult task. We should not allow that task to be made more difficult by court orders for payments being ignored, payments which are relied upon to carry out this human function. This has been causing the high levels of anxiety which are being experienced all across Canada.

• (1700)

The statistics are available in Canada. The Family Law Reform Commission has written extensively on the matter, and there is serious debate on the subject in the United States. It simply seems that here is one other Hon. Member proposing a series of amendments to three Acts, when the essential issue concerns the maintenance payments for children being looked after by single parents.

In its working paper on divorce, published in 1975, the Law Reform Commission of Canada stated that "one of the most serious problems facing a divorced spouse is the inability to enforce an existing maintenance order by some simple, quick and inexpensive procedure". That is what I was trying to do, and that is what Mr. Danson was trying to do back in the Twenty-ninth and Thirtieth Parliaments. Yet here we are, still facing this issue. The Commission reiterated the conclusion expressed in its working paper on the family court, that it is necessary to establish services and procedures whereby the court, through its officers, can directly secure the enforcement of its orders.

That is what these amendments were trying to do. That is what the amendment to the Divorce Act through this Bill, Bill 364, is trying to do. It is that simple.

The Province of Ontario, I understand, receives the money and delivers it out to the payee. However, the courts in Ontario will ensure that cheques arrive on time every month so as not to interfere with the maintenance needs of single parent family units. The court then pursues the person against whom the order is made. Therefore, why can we not agree to these amendments to Section 15 which are in Bill C-250 and which are now carried forward in Bill C-364? Can we not address this serious cancer which is out there, this condition which causes so much anxiety concerning growing children? Single parents often face the anxiety of having to go back at least two, three or four times a year for another order, which is not enforced. It does nothing but increase the level of our tolerance to law and order, to the rule of law.

It is time that we got rid of the havens in Canada. Someone can leave a family in Vancouver, out in British Columbia, and move into the Province of Quebec, and the laws of Quebec will offer protection against the moral obligation to support the family left behind.

Mr. Blaikie: Let's get rid of tax havens, too, Ron. How about tax havens?

Mr. Huntington: I am not referring to tax havens right now. That is your worry, and I am surprised—

Mr. Fisher: That's your next Bill.

Mr. Huntington: —that you are interrupting on a subject as humane as this one, because I know that you are a very humane person.

Mr. Blaikie: There's a moral analogy, that's all.