

*Dissolution of Marriage*

changed its divorce laws, and so has New Zealand. Great Britain has recently changed its laws again.

With regard to the bill before the house, I take little credit for proposing the individual clauses. They are clauses which in my opinion would apply to Canada as they have applied, and are being applied, to the laws of our sister commonwealth countries, and are the result of the deliberations of committees of, and studies which have been made in, those countries. I believe we have respected those opinions, which would be different from mine, and have given to the individual all the protection that a court and this house would be able to afford him.

I think it is interesting to note some of the editorials on this topic. In the days when they were changing the laws in England, in the early twenties, the Anglican church took a certain position. But since that time both in England and in Canada these positions have changed. Many of the churches have met together and agreed that, in the social field, a great step forward should be taken to allow for the complexity of society as we know it today, and the problems which probably did not arise when the canon law originally applied. I think it is interesting to refer to an editorial which appeared in the *Globe and Mail* and was reprinted in the *Northern Daily News* on August 31, 1961, concerning a convention which was being held by the Anglican church in Kingston, Ontario. This editorial, in part, said:

The Anglicans' concern over the hardships caused by a church canon which many of their number consider outmoded reflects a growing demand for divorce reform in this country. Their practical and reasonable attitude toward change should set an example for parliament, which has consistently failed to face the realities of divorce and by its inaction has perpetuated the kind of hypocrisy the Anglican clergy has recognized and will endeavor to eliminate.

At every session, regardless of what government is in power, Parliament shamefacedly sets itself up as a divorce mill to rush through divorce petitions from Quebec and Newfoundland—the two provinces without divorce courts—that have been shunted along from a Senate committee. A year ago, in answer to widespread criticism of this practice, the government promised some reforms, but these turned out to be merely a rejuggling between the house and the Senate of a responsibility that properly belongs to neither. The obvious and sensible course of removing divorce from parliament and placing it where it belongs, in a federal court, was once more rejected.

Hypocrisy was added to inefficiency when, early this year, a man was sentenced to five years in penitentiary for giving perjured evidence in a divorce case before a Senate subcommittee. Everyone, including parliament and the courts, knows that thousands of Canadians have perjured themselves to obtain a divorce. They have done so because in most provinces only adultery is accepted as legal ground for divorce.

The final responsibility for divorce reform rests with parliament. First it should cease to act

as a court itself, then should introduce the overdue legislative reforms that will recognize other grounds for divorce in addition to adultery—for example, desertion, cruelty and incurable insanity. Nothing less will end the dishonesty that tends to bring parliament into disrepute.

Mr. Speaker, only recently the *Globe and Mail* carried a further editorial. I have chosen the *Globe and Mail* in particular because of its adherence to the point of view of the government in most matters, and because I think it would carry more weight with the present government of the day. It is the hope of this newspaper—no, I will not read that, it is complimentary.

**Mr. Speaker:** Order. I regret to advise the hon. member that the time allotted him has expired.

**Mr. E. M. Woolliams (Bow River):** Mr. Speaker, I am very happy to follow the hon. member for Timiskaming. I think last time the bill was before the house I had the opportunity of speaking following the hon. member in question. I want first of all to congratulate him on his presentation and on the general aim and purpose of his bill, but I should like at the outset to take issue with him on two or three facts.

I am one of those—and I say this with sincerity and with a sense of humility—who belong to two bar associations, and I have often heard it said that most of the divorces are granted by collusion. Or, as the hon. member said today, you can buy a divorce. I have been practising now at the bar for 20 years and have talked to a lot of lawyers who have made a specialty of divorce law. I have handled a lot of cases myself and have talked to judges on the bench in Saskatchewan, in Alberta, and in other places in Canada. I do not think that divorce can be bought in this country. Second, although there may be cases of collusion—and I will deal with that—I do not believe that the percentage figure of collusive cases often mentioned by the hon. gentleman in the far corner, who is presenting this reform bill with regard to divorce is as high as he likes to maintain. In fact, I would say that there were very few collusive cases.

I admit, we all admit, that it is sometimes difficult to prove adultery, which in most jurisdictions is the only grounds for divorce. At least, there are other grounds, but that is the ground on which most petitions are based. But I come back to the fact that it should be remembered that the lawyers who belong to the law societies of this country are officers of the court, Mr. Speaker, and as officers of the court have certain responsibilities. They have to interview their clients and they have a good idea what the evidence