

*Divorce Act*

an Advisory Council on the Status of Women and The National Association Of Women And The Law have emphasized the grim statistics regarding marriages that end in divorce—a frightening figure of 40 per cent in Canada. Of those divorces, 50 per cent involved children.

The trauma for Canadians involved in divorce is great and frequently represents a first contact with the legal system. That is why I want the Bill to read in clear English that can be understood rather than legalese that can only be understood by counsel. I am not a lawyer and I would like the language to be clear so that I can understand all of the ramifications without constantly having to check it with legal counsel. The Bill should be understandable to *Messieurs, Mesdames, tout le monde* at all times, in all language, in all Bills.

While the best interests of the parties must be guaranteed, it has traditionally been women and subsequently their children who have borne the economic and social hardships resulting from divorce. Figures show that 49 per cent of female-headed single-parent families had incomes below the poverty line in 1983. That is unacceptable in a country as rich as ours. Regardless of our overwhelming debt, we are still a land of plenty. One only needs to travel throughout the world to recognize that there is no need for poverty in this great land of ours.

The question of poverty among our older single, separated and divorced women was addressed on the question of spousal allowance. My only comment is that it indicates the malaise we are living with in this society.

As the National Action Committee pointed out, 10 per cent of divorcing women are aged 50 and over. Few of these women are in a position to go back to the workforce. After working in their home they are being asked to go back to work in the market-place which is an impossibility. We know that society is in an active stage of evolution from industrial, to post-industrial to a high-tech society. We are faced with a new language in the country and it is unrealistic and unconscionable to expect these women who worked at home to find work in the workplace. We are protective of such women but I raise the issue in the hope that the law is made clear on the matter.

The significance of the Divorce Act for women and children is overwhelming and not in any way to be ignored. The welfare of women as the most vulnerable group must be addressed and it is in this context that we emphasize the importance of strengthening Bill C-48 to create a federal-provincial enforcement mechanism respecting custody, access, support and maintenance orders across the country.

Once again, the Conservative Government has broken its promise to the Canadian people. On May 1, 1985, the Minister of Justice (Mr. Crosbie) issued a news release in which he promised that the Conservative Government would: "Humanize the process of divorce and at the same time safeguard the family relationship". That promise has been broken in a number of ways.

The Government would have Canadians believe that marriage breakdown represents the sole grounds for divorce while

the fact is that the new Act retains fault grounds such as adultery and cruelty which exist in the current Divorce Act.

It disturbs me that I would have to bring to the attention of the House that from January 13 to January 17, 1986, a national forum on youth and the law was held. The issues according to this document that were addressed included family law issues, the Canadian Charter of Rights and Freedoms, cultural minorities, access to justice and youth and crime. This was sponsored by the Department of Justice and it prepared and approved the report. It circulated a very attractive and interesting brochure, with a blue maple leaf. I do not know who has see blue maple leaf on God's trees, but there is a blue maple leaf on the folder. In the context of this particular *colloque*—

[*Translation*]

—forum. Have you ever seen blue maple leaves? Or are they red where you come from? Red and green. However, in this regard—

[*English*]

Let me point out what was in that document because it is rather mind-boggling. It states with regard to family law who can marry and the impact of the Criminal Code if one takes certain actions. It discusses divorce and the reform of the divorce law and related matters. It states that at the time of its writing a new Divorce Act, 1985 and the Family Orders and Agreements Enforcement Act are awaiting final reading by the House of Commons and may very well be passed by the date of this youth and law forum. That is correct, for these laws could have been passed but they were not brought back on time. It says the proposed Divorce Act, 1985 will provide that marriage breakdown be the sole basis of divorce. Marriage breakdown would be established when the spouses have lived separate and apart for one year, and where one spouse has committed adultery or cruelty, in which case immediate divorce may be granted. I do not call that marriage breakdown as the sole cause.

● (1630)

Then it says the proposed Divorce Act should also recognize that support provided by one spouse to the other should promote economic self-sufficiency. That is true. Then we arrive at the last of these paragraphs which I will read and which I find fascinating:

Mediations would be conducted by an independent third party, such as a social worker, with the goal of having the spouses come to an agreement on the issues of support, custody and access, instead of fighting them out in court.

That is exactly the amendment I proposed which the Government turned down, and which was supported by my friends in the Opposition. The Government uses a public document and a public national forum to promote an issue that it is not prepared to support in this House. That is rhetoric, unacceptable and mind-boggling, as I said before.

Contrary to the Conservative promises that they would promote economic self-sufficiency of spouses where practicable, the new Bill severely limits the financial protection given to spouses, particularly to women. The new Bill provides