

Divorce Act

Of course, the Government uses semantics well. We heard a good example recently when one of that Party's leadership aspirants made a crystal clear statement of his opinion about the language question in Manitoba. The following week, he clarified it in a way that was totally incomprehensible to anyone. We have a new meaning of the word "clarify" which is to muddle whatever you are talking about. I see that the Minister of Justice (Mr. MacGuigan) agrees entirely with me about that particular case.

We believe that the fault grounds should be retained in order to protect the interests of the innocent spouses in cases of marital misconduct. The National Action Committee on the Status of Women expressed its concern about the elimination of fault grounds as they relate to maintenance. Previously, in the case of a spouse divorcing a husband who is at fault, the injured party was able to bargain by granting him an early divorce in return for a suitable settlement. That way they would dream up false grounds or something like that to get a quicker divorce. This will not be possible now. It will have, according to the National Action Committee on the Status of Women, a bad effect on the wife's bargaining position, as far as having a quick divorce is concerned, which the husband might well want.

• (1550)

Judges are explicitly instructed to consider conduct when they establish awards under the present law. In Bill C-10 they are prohibited from including this consideration. It is rather difficult, as I mentioned in the two cases, the one where the woman was at fault and the other where the husband was at fault, to believe that there should always be an even division of property and income. I can understand the Minister's difficulty in writing a piece of legislation that would be fair both to young women and to much older women. Say a woman is in her mid-fifties and her husband runs off with his secretary, or a friend in some other trade or profession, abandoning his wife. It is pretty hard for a woman at that age to find another occupation to sustain her in any degree comparable to the life to which she was accustomed. They tell the famous story here in Ottawa of a senior official in government whose wife was reduced to working as a scullery maid because she had been a homemaker. That is what she was qualified for at age 55. She knew nothing about Micoms, computers, and things like that, which would be difficult for her to learn.

I think the Government was moving in the right direction with Bill C-38, which I was pleased to help along in this House as best I could. I thought Bill C-38 was one of the best pieces of legislation produced by the Government. As most people know, it has to do with the garnishment of salaries of civil servants, armed forces, Members of Parliament, judges and Governors General. In fact, it covered the salaries of quite a variety of people. But the final part of that particular Bill enabled a diversion of pensions to fulfil a court order for maintenance. This was done fairly simply and easily. I think it was done by the intention of the Government to set an example for the rest of the country that its employees were not going to be able to dodge maintenance orders any longer. If a person

has a proper maintenance order from the proper judicial authority, the recipient of family maintenance would simply have to register with the appropriate Minister of the Crown. There would be a pension diversion which would see that the one who was not the wage earner should receive a fair proportion of the combined income. I am happy that after a long legal difficulty pension diversion is now the law of the land.

Perhaps the Minister of Justice could tell us if he could get the word across to judges that they should stop allotting maintenance orders in dollar terms. If inflation continues, and there is not much indication it will slow down, especially with this spendthrift Government, it will become quite unfair for a person with an \$800 pension to have \$200 allotted as maintenance to the spouse who has been faulted in the marriage. Then, after a few years of indexation, the wage earner is getting, say, \$1,200 a month and the abandoned wife, we will say, is still getting the same \$200. These awards have to be granted on a percentage basis so that when an allocation is made at 50 per cent, 60 per cent, 40 per cent, or whatever, the percentage holds, and, as inflation goes on, the pension cheque goes up accordingly. I think that is only fair.

There was a recommendation on page 25 of the discussion paper which stated that recommendations not included in the Bill are:

—being considered by both federal and provincial governments, including the possibility of creating a central registry in which all maintenance and custody orders would be filed and the possibility of allowing access to information contained in Government files relevant to location of a debtor.

There is a variety of statistics to tell us how many of these maintenance orders are being ignored. The figures I usually hear run from around 65 per cent to 85 per cent. Indeed, many settlements are made in divorces with, let us say, the husband—it could be the other way around—agreeing that he will pay a certain amount. He bargains to keep that amount low on threat of leaving the province, in which case the spouse will never collect a cent. Therefore, the wronged one will say, "I will take it if you will pay it", if the husband stays in the province and the wife has some hope of collecting. However, if the husband decides he will live in another province, the possibility of collecting becomes exceedingly remote.

I spoke to the Attorney General of British Columbia about this matter who said that he would certainly extend his co-operation to having this kind of legislation enacted with a central registry established in which these maintenance orders would be filed and the money collected. That would be done federally. However, you would need the co-operation of all the provinces. I hope the Minister of Justice will do his best to get that co-operation, which I believe is there. I do not think any country can be happy with the fact that in the judicial system, of which we are quite proud, 84 per cent, even if it is 65 per cent of the people who are ordered by a judge to make payments, laugh at the court order and go off to another province and leave their former partner behind.

I do not propose to go on any further in debating this Bill. I hope there will be an opportunity to amend it in committee. As one final note, let me point out that working paper No. 13 of