

(b) that a change in the condition, means, needs or other circumstances of either former spouse or of any child of the marriage for whom support is or was sought, that was anticipated at the date referred to in paragraph (a) has not occurred."

He said: Mr. Speaker, I am pleased to rise in support of the amendment which is now before the House as Motion No. 30. I wish to indicate that this motion and the amendment go to the core of the philosophy which underlies the Divorce Act. Without any doubt, the change proposed in the amendment is absolutely essential if we are to ensure that the criteria for maintenance do not, in effect, seriously discriminate against older women.

First, I wish to indicate specifically and clearly what the purpose of this amendment is. As the divorce legislation is now worded, where a time-limited order for maintenance is made by the courts, an application to vary that order after the expiry of the time can only be made if the individual who is receiving maintenance can show that there has been a change in her circumstances, a change which is related to the marriage. In a number of cases, at the time of making a maintenance order, the judge is in the position of looking ahead to the future to try to determine whether or not, based on his or her best assessment of all the evidence, the individual in question will be in a position of being self-sufficient, financially independent, at the end of the fixed term, whether it be two years, three years, or whatever. I will speak about women in this case because the vast majority of cases deal with women. At that point in time the judge will have to make a prediction. He or she will have to determine whether or not this woman will be able to obtain retraining, for example and, if she is able to obtain it, whether she will be able to find a job during that period of time. The Supreme Court of Canada in *Messier v. Delage* made it clear beyond any doubt that the courts must not be permanently bound by those predictions. In other words, it should always be open to the woman to return to the courts and say: "Look, I have made an effort. I tried to find work but I was unsuccessful and I need to continue this maintenance; or I need a variation of the maintenance order".

● (1120)

We certainly all know that women continue to be the victims of discrimination in the workplace, and on average continue to receive wages which are 60 per cent or 62 per cent of the wages of men. As well, in these harsh economic times, it is even more difficult for women to find work. We are not just speaking of any women, we are speaking, in many cases, of women 50 or 55 years of age who have worked in the home for many years and who suddenly find themselves on their own and are told that they have to become self-sufficient within a fixed period of time.

The purpose of this amendment would be to change the criteria now contained in the Divorce Act to ensure that where the judge looked to the future and anticipated there would be a change in the circumstances of the woman, and that change did not take place, the woman in question would be entitled to say: "Look. You cannot cut me off. You cannot leave me high and dry at the end of two or three years without any support

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whatsoever". In many cases they have to go directly onto the welfare rolls and certainly, in many of our provinces, including my own, the amount one receives on welfare is well below the poverty level. That is what we are condemning women to in these circumstances.

My amendment, Motion No. 30, reads in part that where the judge anticipated a change in the condition, means, needs or other circumstances of either former spouse or any child of the marriage and that change did not occur, the individual in question would be free to return to the court and seek an extension of that order. In the Committee on Justice and Legal Affairs that amendment was rejected despite the very strong support of the National Action Committee on the Status of Women, the National Association of Women and the Law, and the Canadian Advisory Council on the Status of Women, all of which were profoundly concerned that there was a great potential for serious injustice in this legislation.

I might say as well that what many of these national women's organizations and myself found particularly surprising and disturbing is that the amendment was rejected not only by members of the Government, the Conservative Members of the committee, but this fundamental and important amendment was rejected by a Liberal member of the committee. This amendment is essential to ensure that older women are not discriminated against in the provisions of the Divorce Act. At a time when we should be enhancing the protection of older women from economic hardship, the Government moves in the opposite direction. The representative of the Liberal Party said that she was really quite pleased to have cast her vote with the Government. She said: "I am voting against Mr. Robinson's amendment because I do believe that equal opportunity brings equal responsibility. If we want to promote equal opportunity for women and for men, then we have to also support the aspect of responsibility for self".

That is an extraordinary position to take by the Liberal Party on an amendment as vital and as fundamental to the concerns of literally hundreds of thousands of Canadian women, particularly older women. I hope that having reviewed this matter carefully and having heard the very eloquent representations made by the National Association of Women and the Law and the National Action Committee on the Status of Women, the representative of the Liberal Party will stand in her place today and acknowledge that the Liberal Party made a mistake and that now, having seen the light, it is going to change its position and support this amendment which is of such vital importance to Canadian women.

I could do no better in concluding my remarks on this important amendment than to quote from a submission which was made to the committee by Dr. Eila Lamb, from Swan River, Manitoba. She is a professional woman who wrote to the committee on the subject of time-limited maintenance awards. She said, and I quote:

Time-limited maintenance awards, which are supposed to encourage women to become financially self-sufficient, have inherent drawbacks. One of the greatest is that the factors which will keep her relatively poor in terms of ability to earn a decent wage or salary lie largely outside her control: lack of appropriate counselling retraining that could lead to good employment; sufficient money for