

*Divorce Acts*

he did not resolve it at all. He said, as reported at page 4933 of *Hansard*:

A major criticism of the present system is that it focuses overly on the alleged fault of the spouse or spouses. It polarizes a conflict situation. It creates increased tension. It discourages reconciliation.

● (1650)

Yet, having made all that criticism of fault, he introduces it in this bill. He also said:

—an accusation of fault is certainly not conducive to mediation of the possible consequences of divorce. If we want divorce to occur in the proper kind of atmosphere and in the proper circumstances, where the parties think what is the best way of dealing with the problem, what is the best way of looking after the children for whom we are now responsible, then we need to remove the fault grounds and deal with the consequence that a particular marriage has broken down.

Later he continues:

It is still an atmosphere of conflict—antagonism and fault.

If the Minister feels so negatively about fault that he would go to such lengths to criticize it in the same way the former Government criticized it, why not follow the model of the former Government and leave that ground out and come back to the grounds provided for before? He does not even think that fault will be used very much. At page 4934 he says:

My guess would be that in four or five years' time the use of the fault grounds will be very rare.

I hope he is right. But if he is, why put it in to complicate the package? The fault ground is counter-productive and it can only lead to more acrimonious divorce and provide a back-door entry to fault as an issue in maintenance or custody; it can also decrease the likelihood of reconciliation taking place.

[*Translation*]

Those are the comments I wanted to make on Bill C-46, Bill C-47 and Bill C-48. I had a long list of my colleagues—I have three other colleagues who told me that they wanted to speak on this issue on second reading. However, to be helpful to the government which would like to refer the bill today to the Committee on Justice and Legal Affairs for consideration and public input, I will conclude now. I will not carry on the debate to urge the government to remove the concept of fault contained in the bill. Finally, it is the responsibility of the government to take a decision considering its huge majority. However, the Liberals will do their utmost to make sure that the legislation is amended before it is enforced this summer.

[*English*]

**Mr. Svend J. Robinson (Burnaby):** Mr. Speaker, I am pleased to rise and take part in this debate on the most significant overhaul of Canada's divorce legislation since 1968. This Bill represents a major improvement over the previous Bill tabled in this House by the former Minister of Justice in the spring of 1983. Where it has been improved most significantly is in the area of enforcement of maintenance orders. I want to pay tribute not only to the many groups and individuals from across Canada, including the National Action Committee on the Status of Women, the Canadian Advisory Coun-

cil on the Status of Women, and other such groups, but also to single out the contribution made by my colleague, the Hon. Member for Broadview-Greenwood (Ms. McDonald). In her capacity as justice critic in the spring of 1984, on behalf of the federal New Democratic Party caucus, she worked very hard to bring to the attention of the Government our concern about the deficiencies in the Bill, particularly in the area of maintenance and the enforcement of maintenance orders, access to government data banks, and the whole question of pension splitting. I believe that much of the credit for the improvement in this legislation today must lie with that Hon. Member for the work she did on behalf of our caucus in this area.

The question of divorce is one which has touched the lives of literally hundreds of thousands of Canadians. The most recent figures show that over 65,000 divorces were granted in 1983, a decline from 1982 when there were over 70,000. Of course, the statistics show as well that some four out of ten marriages in Canada today end in divorce. It is a rather sad commentary that almost half of the marriages in Canada today end in divorce. It is a rather sad commentary that this is happening at a time when we see in our society the phenomena of increased alienation, loneliness and pages and pages of ads in newspapers of people looking for companions. It is a rather interesting irony that while marriages are breaking down and families are splitting, there are still many Canadians who seek relationships. Certainly many of us regret very deeply the number of divorces and the extent of divorce in our society. It has touched, as I say, hundreds of thousands, including Members of this House. Indeed, I myself have been through the experience of divorce and thus can empathize with the feelings of pain and hardship which is experienced in the process.

Over half the divorces in Canada involved young children. In 85 per cent of those cases, custody is granted to the mother. The difficulty at present is that half of all single parent families in Canada headed by women live in conditions of poverty. When one combines those statistics, we can see that we must do a great deal more to ensure that women of single parent families have the means to bring up their children. Perhaps one of the most telling statistics are those disclosed in a recent study in the U.S. which show that following divorce the standard of living of men increased by some 42 per cent, whereas for the women it dropped by some 73 per cent. So, while we certainly have to look at the grounds for divorce and the question of enforcement of maintenance orders, we have to recognize as well that the position of women following divorces, generally speaking, is far worse than that of men.

Compounding those difficulties is the fact that social assistance levels in Canada today, and I might say particularly in my own Province of British Columbia, are far too low. In many cases they force women to live in what can only be described as abject poverty, and not just women but also their children.

The most important innovation in this legislation, Mr. Speaker, is the introduction of the concept of marriage breakdown as being the sole ground for the granting of a divorce. Marriage breakdown is to be evidenced by a period of separa-