

There were no such fears or anguish. As far as the court is concerned, there was simply no misconduct.

We are all very pleased, I am sure, with the recent news from the Minister of Justice that the provinces and the federal Government have agreed, at least in principle, to the establishment of a central divorce order register which should make the 75 per cent of obligated spouses who default on their payments think twice about reneging on their responsibilities. However, I question whether the no-fault concept will not provide, through the conditions I have mentioned, an equally convenient vehicle for the avoidance of their financial responsibilities, and thus provide for more children, and indeed for the spouse caring for the children, to become wards of the State. As well, I question how much a court at one end of the country, upon a petition to review, is going to delve into a divorce that happened at the other end of the country. What guidelines or signposts are there in the words "no-fault" which might be instruction to disregard conditions, misconduct notwithstanding, that have influenced the original presiding judge who set the awards in the first place?

It is in the area of support and maintenance that this Bill has failed. It has failed to provide the means by which to ensure that individuals have an obligation to live up to their responsibilities—responsibilities they undertook upon entering into a matrimonial union; the responsibilities of providing an adequate environment in which to raise their children. With 75 per cent of spouses who default on their obligations to provide support, the recipients—in most cases women and children—become wards of the State. In Ontario alone, over 11,000 divorced women are on the provincial welfare rolls. To pass off support and maintenance as being strictly a provincial responsibility, as the Minister of Justice stated, is simply not the answer.

The Government should have the courage and conviction throughout this Bill to address these very real concerns, to provide a clear criterion for support and maintenance orders to be awarded, upheld and enforced. The Minister of Justice should not be trying to score political points in his bid for the Liberal Party leadership by introducing a Bill that is truly inadequate. This Bill is not clear enough. This Bill is not fair enough. It is not just enough, although the Minister obviously feels it is just enough, to fulfil the promise to review the law as it now stands. There are too many unanswered questions and too many new objections raised by its provisions, not the least of which is whether it is not laying the grounds for a whole new cottage industry of mediators and experts. Consulting lawyers, as we have consulting physicians, may be called in to advise the client's own legal adviser. This certainly seems to be the inference of the addition to Section 7 that advises lawyers to advise their clients to use mediation facilities to achieve agreements, including those covering maintenance. I hope I am mistaken in this regard, because this would make the divorce process more complex and more expensive. Thus the children, whom we are trying to protect, are going to be subject to even more trauma.

Divorce Act

In principle, I support the reduction of the time requirement for divorce to one year. In principle, I support the introduction of no-fault grounds. But let us be sure that one year means one year and no-fault is no-fault only when there is no fault or when it is amicably agreed upon.

● (1520)

I therefore urge the Minister to revise the provisions we have before us and to bring before us a divorce reform Bill which will help families, husbands, women and children alike through this difficult time and not add further to their troubles. I believe, Mr. Speaker, before proceeding with any great haste on this subject, that extreme caution must be exercised before making changes to an existing law which will have such a profound bearing on our individual lives and on society in general.

I hope that a complete airing will be given this Bill by all interested parties right across Canada, who would be given an opportunity to voice their concerns, and that the important questions of maintenance of a spouse and children, the division of assets, and the enforcement of such maintenance orders, will be addressed fully and completely.

The Acting Speaker (Mr. Herbert): There follows a ten-minute period for questions and comments. Is there anyone who wants to put a question? If there are no questions or comments, we will continue debate.

Mr. Douglas Roche (Edmonton South): Mr. Speaker, I feel certainly confident in giving this speech this afternoon. While I must confess that not every word I have uttered in the House of Commons has carried behind it all the research I might have wished, I can tell you, Sir, that, although, thankfully, I am not a first-hand expert in divorce, I have gone to the source of really deep knowledge in family law today and, as a result of that, I have these comments to make.

When I look at the key aspect of Bill C-10, it seems to be the introduction of a no-fault divorce after a one-year period of separation. The Minister of Justice (Mr. MacGuigan) has stated that, by reducing the required separation period from three years to one year, the adversarial approach associated with fault divorce will be greatly minimized. It is true that at present some divorcing couples are forced to have one of them take the blame for the breakdown of the marriage, and that this sometimes exacerbates an already difficult situation. However, the thrust of the proposal by the Minister misses the central reality of divorce in Canada today. The Hon. Member for Leeds-Grenville (Mrs. Cossitt) outlined very well the deficiencies which are present in this Bill, and reflected our concerns that a whole new examination be done before this Bill goes forward.

Elimination of fault grounds will not eliminate the adversarial process which is so destructive to families. Neither a three-year period nor a one-year period of separation will avoid the problems inherent in the present system unless the issues that are a corollary to the divorce itself are dealt with in a less adversarial, more humane, manner. It is necessary to