

CONTINUING COMMITTEE OF MINISTERS  
ON THE CONSTITUTION  
NOVA SCOTIA'S POSITION  
ON  
FAMILY LAW

BY  
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MONTREAL, CANADA  
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WE BELIEVE MATTERS OF MARRIAGE AND DIVORCE TO BE  
PRIMARILY OF A PROVINCIAL NATURE AND IT IS DESIRABLE THAT  
THE TOTAL JURISDICTION IN FAMILY LAW MATTERS BE EXERCISED  
BY A SINGLE COURT. WE ACKNOWLEDGE AND RESPECT THE VIEWS  
OF PROVINCES NOT DESIROUS OF HAVING JURISDICTION IN MATTERS  
OF DIVORCE. WE THINK, HOWEVER, THE "BEST EFFORTS" DRAFT,  
WHICH CONFERS CONCURRENT JURISDICTION ON THE PROVINCES,  
PROVIDES THE NECESSARY OPTION FOR PROVINCES NOT WISHING TO  
EXERCISE SUCH JURISDICTION.

ALTHOUGH WE AGREE WITH THE SUBMISSION THAT  
SECTION 96 BE AMENDED TO ENABLE PROVINCIAL COURTS OR  
PROVINCIALY APPOINTED JUDGES TO EXERCISE THE JURISDICTION  
OF A SUPERIOR COURT JUDGE IN FAMILY LAW MATTERS, WE  
SUGGEST THE PROPOSED AMENDMENT PROVIDE AN OPTION ENABLING  
PROVINCES TO CONTINUE TO HAVE SECTION 96 APPOINTED JUDGES  
PRESIDE OVER THEIR UNIFIED FAMILY COURTS RATHER THAN  
PROVINCIALY APPOINTED JUDGES, IF THEY SO WISH.