

*Criminal Code*

the tests that are proposed. I hope the committee will make certain of this matter before reporting the bill. I must also express some reservations about the powers given police to take breathalyzer tests. While the law as proposed may appear to be clear, I think in practice there will be difficulties when police confront people and on the flimsiest of pretexts demand that they take the test. Will a person who refuses to take a test have a criminal record?

A major portion of the bill deals with firearms control. Again, I must express support for this provision although I feel it would be folly to rely too heavily on the measures proposed as being a solution to the problems involved. There is no question about the need for a tough law for the careless hunter. However, problems of gun control in our large urban centres are difficult to resolve. I received a number of letters from people who were concerned that the proposed legislation would infringe on the legitimate activities of pistol and gun clubs. I followed up these representations and, in the final analysis, people who examined the legislation agreed that it would not interfere unduly with such activity.

Throughout the bill I noted a large number of instances where discretionary powers are granted provincial attorneys-general. While I am only a layman so far as law is concerned, I must question this matter. It seems to me that the possibility of abuse must be considered with respect to some provisions where the guidance set out in the law is minimal. For example, the powers given an attorney-general on lotteries are wide. On the other hand, an attorney general is placed in a difficult spot where he has to judge matters with too little legislative guidance, and indeed this makes it easier to place pressure on an attorney-general.

A number of representations which I received contained a curious mixture of opposition to the proposals dealing with lotteries, homosexuality and abortion. Opposition to lotteries is based on long-standing moral convictions. Frankly, I have no basic views in opposition to lotteries as such. As a matter of policy I would be opposed to state lotteries as a means of raising public funds, but I have not seen reasons why this opposition should be expressed in the form of a legislative prohibition applying to all governments in Canada. Opposition to the proposals with respect to homosexuality is based in large part on a lack of understanding of the nature of the problem and of the opportunities for blackmail which are made possible under the

present law. Thus, I feel that the proposals in this bill are in the right direction.

Possibly the most difficult single matter for hon. members in this bill is the amendment with respect to abortion. Widely divergent views are held on this matter, ranging from the view that it is a matter of simple medical procedure with no greater import than that to the view that absolutely no measure to allow abortion under any circumstances is morally tenable. As legislators, we must also take cognizance of the incidence of illegal abortions often performed at great risk to the life and health of the mothers in question. It has been suggested that, as with some other problems, each person might follow the dictates of his conscience. It is not as simple as this with respect to abortion. Here, we are dealing with life itself. The state has an obligation and duty to protect human life where it exists. Extremes of views exist on the question of when human life begins.

These views range from the proposition that human life begins at the moment of conception all the way to the view that it begins only when the umbilical cord is severed. I hold no dogmatic view on this question. Indeed, I think no one can assert with finality on this question. However, it is clear that human life does exist prior to birth. Various indicators of the progression of life, such as the stage at which viability is possible, beginning of movement, and foetal heart beat, are constantly being pushed back to an earlier stage of pregnancy, and show that there is no one moment during pregnancy which represents a sharp change in the stages of development. Indeed, more evidence points to the fact that development of the foetus is gradual and continuing throughout the entire pregnancy.

Under these circumstances, it is incumbent upon the state to be extremely careful in legislating. Steps should not be sanctioned that could represent the taking of life. I reject any attempts to justify abortion legislation on the grounds that the state through other actions, such as in police action, war, execution of criminals, etc., has been deemed to have the right to take lives or take action that may or will result in loss of life. Surely, no comparison can be made between an innocent unborn child and an adult who has no regard for life or who may be defending other lives.

Indeed, it would be well for hon. members to reflect on the fact that unborn lives in the womb are the same sort of lives possessed by ourselves, our families and all members of

[Mr. Burton.]