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Mr. Woolliams (for Mr. Valade) moved amendment No. 24, as follows:

That Bill C-150, an act to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatory Act and to make certain consequential amendments to the Combines Investigation Act, the Customs Tariff and National Defence Act, be amended by deleting in clause 18 the word "and" on line five on page 43 and the "period" after the word "practitioner" on line 8 on page 43 and inserting the following words: "and,

(e) that those means are employed before the period of implantation."

Some hon. Members: Explain.

Mr. Woolliams: I hear some hon. members calling for an explanation of this motion which I am moving on behalf of my hon. friend. Judging by the way so many of them have voted on the other clauses and amendments, I can understand why they believe these things should be explained to them.

• (9:40 p.m.)

Seriously, as I understand my hon. friend's motion the effect is to change certain words in clause 18 and add a provision for the setting up of a therapeutic abortion committee in accredited hospitals. According to the Criminal Code amendment, if the committee gives a certificate, then any medical practitioner can go ahead and perform an abortion providing it is to preserve the life or health of the mother. This brings me to the point I want to argue in dealing with this section. I want to try to explain what Professor Mewett recommended to the committee, though Your Honour, with the greatest respect, ruled out [Mr. Speaker.]

the word "unlawfully" that I wanted to add to section 237 which is being amended by this bill.

First of all, and despite what the minister has said, I ask the house to consider section 209. Section 209 of the Code which is in two parts, commences:

Every one who causes the death of a child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life.

That is subsection (1) of section 209. My good friend the Minister of Justice (Mr. Turner) says that this has nothing to do with abortion. Mr. Speaker, it is beyond me how he makes that deduction. The minister says he has consulted the law officers in this regard.

Let us see what section 195 of the Criminal Code has to say about when a person becomes a human being. That section provides:

A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother whether or not

- (a) it has breathed,
- (b) it has an independent circulation, or
- (c) the navel string is severed.

I ask the house to keep that section in mind and to go back to the provisions of section 209 to which I have just referred. In other words, an abortion of the foetus at that stage would be a criminal offence under section 209. However, there is an exception made in subsection (2), which reads:

This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child that has not become a human being, causes the death of the child.

Yet, the Minister of Justice and his officers claim that section has nothing to do with miscarriage or abortion. Their definition of miscarriage or abortion must be far different from that of the House of Lords.

I should like to know why this exception is made if the section has nothing to do with abortion. If it has nothing to do with abortion, all I can say is that for the last 25 years lawyers have argued this section in defending abortion cases when they should not have done so.

Let us see what Professor Mewett has to say. I cannot believe that a person like Professor Mewett, who teaches criminal law at the University of Toronto, would not understand what is meant by a miscarriage or a simple abortion within the definition in the Criminal Code. I should like to put on record