

*Criminal Code*

Secondly, no province will be allowed to conduct any lottery system in another province without being authorized to do so by the government of the latter.

Thirdly, charitable and religious organizations will be allowed to run lotteries under a provincial licence. How many and how big these lotteries may be will depend on the licences. As the law now stands, those organizations can occasionally have lotteries, but the words "occasionally"—"à l'occasion"—and "usually" explain the great differences which exist between the lotteries authorized in various regions of the country. In the final analysis, the attitude of the local authorities is the determining factor. And it is that ambiguity, which I pointed out a while ago, which will be removed.

[*English*]

We have heard more from individuals on the proposed amendments concerning abortion than on any other provision. This aspect of the law was also the subject of exhaustive consideration by the Standing Committee on Health, Welfare and Social Affairs. It is a matter that is undoubtedly of profound concern to all of us, and it has been the subject of debate, often very emotional debate, for a number of years.

The Prime Minister and I have both said on previous occasions that in considering this proposition before the house it is important to bear in mind the uncertain state of the present law. To assume that the present law on abortion is clear and thereby to move on from there to allege that the amendments are too stringent, or not stringent enough, or in substance change nothing is, in my submission, arguing from a false premise. The fact is that the present state of the law is not clear and one of the overriding purposes of the legislation is to clarify it.

The legal officers of the Department of Justice have been unable to find a single reported Canadian case, involving a charge of unlawfully procuring an abortion, which discusses abortion for medical reasons as a defence to that charge. Some claim that in Canada there is no defence whatever to a charge of procuring a miscarriage based upon medical considerations; others argue that a miscarriage may be procured if it is necessary to preserve a woman's life; and still others maintain that the law is not being amended in substance but is merely being codified and will reflect what is now being done in hospitals under responsible management by ethical members of the medical

[Mr. Turner (Ottawa-Carleton).]

profession with the tacit, if not the express, approval of those responsible for the administration of the criminal law.

The essential point of the proposed amendments is that abortion shall not be unlawful if a committee of physicians in an accredited hospital certify that in their opinion the continuation of the pregnancy of the female person, of the mother, would or would be likely to endanger her life or health. Those are the words of the clause. I wish to emphasize that the test is danger to the life or health of the expectant mother.

Whether an abortion is justified for the reasons mentioned will involve the making of a decision by members of the medical profession based on medical considerations. Needless to say, that judgment will have to be made in a bona fide manner. Under this bill abortion based solely on considerations of eugenics or the commission of sexual offences is not included. Therapeutic abortion committees will not be called upon to decide whether a criminal offence has been committed. We have considered that such a therapeutic abortion committee is not the proper forum to deal with questions of that kind.

I realize full well that this matter goes right to the essence of life, goes right to the bone. There is not going to be any consensus on this issue in this house or in the country. There are those on the one hand who abhor abortion for any cause, or for any reason whatsoever. There are those on the other hand who would make abortion wholly permissive or at the personal option of the woman. We have not reached a consensus between those views in this bill. We have reached only what I might call an accommodation. When the life or health of a mother is in jeopardy, therapeutic miscarriage will be absolved from the penalties in the criminal law.

• (3:40 p.m.)

This proposed legislation does not authorize the taking of foetal life; it does not promote abortion. It simply removes certain categories of abortion from the present place they have on the list of indictable offences. I want to repeat that the legislation does not promote abortion; it permits it under the restricted circumstance where the mother's life or health might be in danger. I believe that any member—and I say this after a good deal of personal reflection—may in good conscience support this clause if he is convinced as I am that its net effect will be to foster rather than impede the general public and civic good.