

Criminal Code

spoken, the hon. member for Windsor-Walkerville (Mr. MacGuigan).

Mr. Aiken: There were a couple of other good speeches, too, while the minister was out of the chamber.

Mr. Turner (Ottawa-Carleton): I heard speeches from all sides of the house, but I was particularly impressed by the speeches of the hon. members I have mentioned. Not only was the eloquence of the hon. members attested to but, as I said previously, the remarks of the hon. members underline our position that while this is a government bill, neither the Prime Minister (Mr. Trudeau) nor I intend to trespass on the conscience of any member of the party we represent.

Some hon. Members: Oh, oh.

Mr. Turner (Ottawa-Carleton): Every member of our party is free to look at this issue and free to consider his own private conscience. I think the speeches made from this side of the house bear ample testimony to the correctness of what I have said.

Some hon. Members: Hear, hear.

Mr. Turner (Ottawa-Carleton): I think the house should analyse with care what the motion proposed by the hon. member for Notre-Dame-de-Grâce really means.

Mr. Knowles (Winnipeg North Centre): I entirely agree.

Mr. Turner (Ottawa-Carleton): What the motion suggests is that clause 18 should be amended and that the test presently proposed relating to therapeutic abortion should be taken out and the test contained in the report of the last Parliamentary standing Committee substituted. The hon. member suggests that we should adopt the test recommended by the previous standing committee on health and welfare.

Let us analyse the two tests, the test in current Bill C-150 and the same test called for in the predecessor Bill C-195, introduced in the house on December 21, 1967, during the previous parliament. That bill has been under the scrutiny of the people of Canada for over one year and a half.

The test under this bill is this: Can the continuation of the pregnancy endanger the life or health of the mother? The test proposed by the hon. member for Notre-Dame-de-Grâce in his motion is this: Would the continuation of the pregnancy endanger the health of the mother or seriously and

directly impair the health of the mother? Despite the philosophical under-pinnings for his argument, the only difference in the two tests relates to the health of the mother.

For both the motion proposed by the hon. member for Notre-Dame-de-Grâce and the bill, the test is whether the pregnancy will endanger the life of the mother. But, whereas the bill says "endanger her...health", the hon. member's motion says merely "seriously and directly impair her health". In point of fact, we are comparing the significance of "endanger" with the significance of the words "seriously and directly impair" as they relate to the mother's health. That is the substance of the proposed change. So, any discussions relating to the life of the foetus, to morality of abortion itself or to some of the issues which have been rejected in the bill, namely, whether abortion should be permitted for eugenic reasons because of the possible deformation of the child, whether abortion should be permitted for sociological reasons because of possible dislocation of the family, whether abortion should be permitted if the pregnancy results as a consequence of the criminal sexual offences of incest or rape are irrelevant. All these issues are irrelevant. The bill has rejected the eugenic, sociological or criminal offence reasons. The bill limits the possibility of therapeutic abortion to these circumstances: It is to be performed by a medical practitioner who is supported by a therapeutic abortion committee of medical practitioners in a certified or approved hospital, and the abortion is to be performed only where the health or life of the mother is in danger.

The only departure of the amendment from the wording of the bill is this. The hon. member for Notre-Dame-de-Grâce proposes to substitute for the word "endanger" as that word relates to the health of the mother, the words "seriously and directly impair". So, with respect, I suggest to the hon. member and to all those who supported him that the philosophical under-pinnings to the motion were probably irrelevant in this debate. What the debate really ought to concentrate on in considering this specific motion to amend is the difference between the effect of the word "endanger" and the effect of the word "impair", when that word is preceded by the words "seriously and directly". It was to that latter question that the hon. member for Grenville-Carleton (Mr. Blair) addressed himself earlier this afternoon.

The word "endanger" as used in the bill imports or connotes the elements of hazard,