

● (1700)

**The Acting Speaker (Mr. Turner (London East)):** Is that agreed?

**Some hon. Members:** Agreed.

**Mr. Donald W. Munro (Esquimalt-Saanich):** Mr. Speaker, that is agreed subject to the following: I am prepared to waive my right under Standing Order 48(2) to close the debate within those 15 minutes. I will not reply.

### PRIVATE MEMBERS' MOTIONS FOR PAPERS

[Translation]

CORRESPONDENCE BETWEEN FEDERAL GOVERNMENT AND PROVINCES ON SUBJECT OF ABORTION

The House resumed, from Thursday May 29, consideration of the motion of Mr. Stuart Leggatt (New Westminster):

That an humble address be presented to His Excellency praying that he will cause to be laid before this House a copy of all correspondence between the Minister of Justice and the Attorneys General and Ministers of Health of the provinces dealing with the subject of abortion and/or section 251 of the Criminal Code of Canada.

**Mr. Bernard Loiselle (Chambly):** Mr. Speaker, today the House is to discuss the release of documents exchanged between the federal government and the provinces on abortion and Criminal Code section 251.

Once more, we see the opposition using that kind of motion to bring back to this House the basic issue of abortion. I regret that oftentimes indirect means have to be used to do what was agreed by all would not be done. Let us then say that if we are to give a meaningful answer to the question, we must limit ourselves to discussing the question of principle involved, that is disclosure of information.

This government proved quite clearly it wanted to move in that direction when in 1973, on March 15, guidelines were issued by Privy Council. Before that date, the situation concerning disclosure was that papers were published if and only if this did not embarrass the government. With the new guidelines, the government improved the situation by accepting a new set of rules. Any document requested should now be published, unless a basic reason prevents it. Before doing this, the government considered a number of factors and especially the desirability of giving as much information as possible to this House and the general public. However, and I hope colleagues from the other side will understand, in addition to pleasing the general public and quenching the thirst of opposition members, a government must first and above all govern. This involves basic rules to be respected, especially in the matter of federal-provincial relations.

A matter as crucial as abortion should then give rise to numerous exchanges of letters and discussions between the various levels of government. And section 4 of the guidelines issued by the Privy Council is categorical:

#### Abortion

"Papers, the release of which might be detrimental to the future conduct of federal-provincial relations or the relations of provinces inter se, should be exempt from production".

Once again the opposition is making a further attempt to ask us, through a well-established and generally accepted rule—and I am sure our friends from the NDP voted for and readily accepted those guidelines—to ask us to discuss again by means of that motion the matter of abortion.

Mr. Speaker, if we are to establish positive relationships between the provinces and the government of Canada, I think we should stick in every respect to the 1973 guidelines of the Privy Council.

Finally I wish to raise a point with respect to the substance of the matter our friends from the NDP want to discuss, namely abortion. I believe the hon. member for New Westminster (Mr. Leggatt) was quoting one of his colleagues whom he deeply admired when he said that we should deal with that matter more rationally than emotionally, and on that point I agree with him entirely. And I wonder, without taking sides one way or the other, whether all those who boast that they can speak objectively on that question on the one hand, and come here with test tubes to show us what is a two, three or four month old foetus, and all those who, on the other hand, come and tell us it is the health, the mental and even sometimes the economical health of the mother which must be considered, I wonder whether those people are really unemotional.

I wish my friends opposite would agree to play the necessary mental game on that question. With so many pressure groups sometimes being insolent, and I mean it, when we are dealing with this issue, and sometimes with groups asking that we totally reject abortion, whatever the reasons urging any medical council to allow it, we should ask such groups whether they are for or against the death sentence. Usually, 90 per cent of them answer that they are for.

Then, if respect for life is an important matter, it remains just as much so for an unborn child who will indeed be born as for an individual who was born but who, due to bad training or education, has not received all the benefits society offers him.

In conclusion, Mr. Speaker, I hope that the opposition will once again take good note of my message, namely that we do not do, and this is a good old legal principle, that we do not do indirectly what we cannot do directly.

**Mr. Francis Fox (Parliamentary Secretary to Minister of Justice):** Mr. Speaker, my predecessor, the hon. member for Lapointe (Mr. Marceau) had contributed to this debate in May last year. At that time, he had briefly stated the government position on the matter. Instead of going over his statement, I will elaborate a little more along the line of argumentation he used at that time.

First of all, I should point out that the hon. member for New Westminster (Mr. Leggatt), with his well known cleverness, has managed to turn this debate on the production of certain papers into a debate on the main issue. I do not intend to discuss the substance of the issue, that is abortion, but to state briefly the grounds which are the basis of the government position in asking the hon. member to withdraw his motion. Perhaps I should point