

*Criminal Code*

knowledge. People often say that nobody is more familiar with the law than a thief. Nobody is better acquainted with the law than a person bent on mischief.

Therefore, we must be explicit and not be content to say:

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, causes the death of such child.

Indeed, if we find it good enough to say:

—by means that, in good faith—

—several individuals will come and prove their good faith after having procured abortion, caused the death of a child almost fully developed, and then, abnormal and criminal acts will again be justified.

This is why we ask that these words be added, and the clause would then read:

This section does not apply to a person who, . . . being unavoidably prevented from finding a medical practitioner—

By so doing, we specify a most important point since it excludes, as my colleague said a while ago, the quacks and other unscrupulous people that are always ready to render a service to persons in trouble. It often happens that a pregnant woman is momentarily depressed and she sometimes feels compelled to resort to the services of individuals who will appear willing to help her while their sole intention is to extract money from her.

Then they will try to do something which only a doctor is allowed to do. This is why the clause should be amended to read:

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

Mr. Speaker, I will sum up my views by saying that such a case almost never happens because nature already does things rather well and, generally, there are no particular difficulties.

Thanks to the progress of medicine, a woman who becomes pregnant knows it after a few months. At that time she is already under medical care, and since it almost never happens that a person other than a doctor is called to help a pregnant woman, let us not allow shady individuals to take advantage of the vagueness of this clause to counter precisely the principle we want to incorporate in this legislation.

[Mr. Matte.]

I think we should then add, if this section is approved:

—being unavoidably prevented from finding a medical practitioner—

**Mr. Speaker:** Is the house ready for the question on the amendment moved by Mr. Laprise?

[*English*]

Is it the pleasure of the house to adopt the said motion?

**Some hon. Members:** Yes.

**Some hon. Members:** No.

**Mr. Speaker:** All those a favour will please say yea.

**Some hon. Members:** Yea.

**Mr. Speaker:** All those opposed will please say nay.

**Some hon. Members:** Nay.

**Mr. Speaker:** In my opinion the nays have it. I declare the motion negatived on division.

Amendment No. 15 (Mr. Laprise) negatived on division.

**Mr. Speaker:** Mr. McCleave—

**Mr. Woolliams:** Mr. Speaker, may I move this motion on the hon. member's behalf? The hon. member is not here at the moment; he is away on other business.

**Mr. Woolliams (for Mr. McCleave)** moved amendment No. 21:

That Bill C-150, an act to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and to make certain consequential amendments to the Combines Investigation Act, the Customs Tariff and the National Defence Act, be amended by inserting in clause 18 after subsection 7 of section 237 on page 44 the following subsection:

"(8) Nothing in this section shall be construed as obliging any hospital to establish a therapeutic abortion committee or any qualified medical practitioner to procure the miscarriage of a female person."

He said: I shall be very brief on this point, Mr. Speaker, because the amendment speaks for itself. It reads:

Nothing in this section shall be construed as obliging any hospital to establish a therapeutic abortion committee or any qualified medical practitioner to procure the miscarriage of a female person.

In other words, there shall be nothing in the Criminal Code that would force a hospital