

*Criminal Code*

in payments is simply that the grade of ore has been lessening and the cost of production has been increasing.

Item agreed to.

**The Chairman:** The dominion coal board.

**Mr. Knowles:** Five o'clock.

Resolutions adopted in committee of supply this day reported and concurred in.

**BUSINESS OF THE HOUSE**

**Mr. Churchill:** For the convenience of hon. members could I ask the leader of the house to outline the business for Monday and Tuesday?

**Mr. Favreau:** On Monday, Mr. Speaker, we shall take as the first order, order No. 67 as it appears on today's order paper which is a resolution preceding a bill to amend the Farm Improvement Loans Act. Then we shall take up order No. 35, a resolution preceding a bill to implement certain recommendations of the royal commission on transportation. After that, we will continue the debate at the committee stage of Bill No. C-72, otherwise known as the redistribution bill.

On Tuesday, if the resolution concerning the Farm Improvement Loans Act has been passed, we shall proceed with the second reading and committee stage of that bill, after which we would take up consideration of a resolution which is being placed on the order paper concerning farm machinery syndicates.

**Mr. Deputy Speaker:** It being after five o'clock the house will now proceed to the consideration of private members' business as listed on today's order paper, namely public bills and private bills.

**CRIMINAL CODE****AMENDMENT RESPECTING BIRTH CONTROL METHODS**

**Mr. R. W. Prittie (Burnaby-Richmond)** moved the second reading of Bill No. C-48, to amend the Criminal Code.

He said: Hon. members will have noted that this bill was seconded, not by a member of my own party but by the hon. member for Kamloops (Mr. Willoughby). I requested the hon. member to do so in order to emphasize the non-partisan nature of this amendment and also because the hon. member for Kamloops is a member of the medical profession and of the Canadian medical association, a body which is interested in the passage of this amendment to the Criminal Code.

[Mr. Benidickson.]

At the outset, I wish to state that this bill which I have presented has nothing to do with the world population problem. It has nothing to do with the total size of the population of Canada; we are still a long way from being overcrowded in this country. It is about an archaic law on our statute books which says it is illegal for competent persons such as physicians, pharmacists, pastors and priests to give information on family planning to married couples who want such information.

Section 150 (2) (c) now reads as follows:

Every one commits an offence who knowingly, without lawful justification or excuse, offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception or causing abortion or miscarriage.

It goes on to say:

(3) No person shall be convicted of an offence under this section if he establishes that the public good was served by the acts that are alleged to constitute the offence and that the acts alleged did not extend beyond what served the public good.

(4) For the purposes of this section, it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good.

(5) For the purposes of this section the motives of an accused are irrelevant.

Apart from that possible defence, section 150 is very complete and wide in its scope. Again these are the words of the statute which I want to emphasize:

—offers to sell, advertises, publishes an advertisement of or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception—

So the bill is very complete because it uses the word "any".

Now, Mr. Speaker, there are many means of preventing conception. There are mechanical devices, usually rubber, available for both men and women. There are chemical methods, notably the pills about which we hear so much today. There is the rhythm method which is widely used by members of the Roman Catholic faith. But the way section 150 now reads makes it illegal in Canada to advise, prescribe, sell or supply any method of preventing conception.

The terms of the Criminal Code generally are administered by the Department of Justice. However the food and drug directorate of the Department of National Health and Welfare authorizes for use and sale in Canada certain types of birth control pills. In my opinion it is a bad law because it is