

Criminal Code

still insufficient—than what the bill itself says.

Indeed, the therapeutic committee under the law will always be able to contend that the abortion will be done by a recognized qualified doctor and that consequently the danger of sequelae from such abortion are limited and practically nil.

The Acting Speaker (Mr. Bécharde): Order. I regret to interrupt the hon. member but his time has expired.

[*English*]

Mr. Mark MacGuigan (Windsor-Walkerville): I rise to say a few words in support of the amendment put forward by the hon. member for Notre-Dame-de-Grace (Mr. Allmand). It is the same as the amendment I proposed on March 27 in the committee when the Standing Committee on Justice and Legal Affairs had this important bill before it. At that time I referred to it as the "two adverbs amendment" because by using two adverbs, "seriously" and "directly", a change would be made in the bill without changing its substance which would be important in limiting the terms of the legislation and determining its interpretation before the courts in years to come.

I am sure I need not give this honourable house a lecture on jurisprudence, or talk about extended judicial interpretation which sometimes takes place over the years despite the best intentions of the legislature. As a matter of fact, I do not disapprove of this idea of judicial interpretation. The fact remains, however, that in a bill as important as this, one which in the opinions of many people involves life and death, it is important we should state clearly what we mean, and use words whose meaning is unlikely to be extended by the courts in years to come.

I believe the insertion of those two adverbs in the bill would not limit the effect which the government intends the bill to have. On the other hand, they would constitute a safeguard against the extension of the provisions of this bill in years to come into areas which are not now contemplated. It would not be wise for us to attempt to define the word "health". Health is a medical concept which it ill behoves lawyers to attempt to express in words. Although we cannot express directly any satisfactory definition of health, I believe we can achieve satisfactory results by the use of these adverbs.

[*Mr. Fortin.*]

● (8:50 p.m.)

I know some hon. members feel that because the bill in its present form was, so to speak, approved by the electors of the country, we are therefore committed to it. May I remind hon. members that during the election campaign two forms of this proposed legislation were before the people of this country. One of those forms was the bill introduced in the previous parliament in December of 1967, the other being the recommendation of the Standing Committee on National Health and Welfare which had advocated use of the two adverbs. It is that version I support. I am speaking of the version of the bill recommended in the second and final report of that Standing Committee on Health and Welfare. May I point out that that report was made subsequent to the introduction of the bill in the House of Commons by the then minister of justice. Actually, it was made after opportunity had been given to that committee to consider the import of the words used by the government in the bill. The committee considered that it would be useful to have the two adverbs included. I am of the same mind as the committee was last year, and I urge the house to adopt the motion now before it.

[*Translation*]

Mr. Dumont: Mr. Speaker, will we be allowed to speak after the Minister of Justice?

[*English*]

Hon. John N. Turner (Minister of Justice): Mr. Speaker, I listened with interest to the debate this afternoon and to the very able way the hon. member for Notre-Dame-de-Grâce (Mr. Allmand) explained his reasons for presenting this particular motion. Of course, the motion reflects the wording of the report of the Standing Committee on Health and Welfare of the last parliament of Canada. That committee studied this matter for some time.

The hon. member is supported by certain members of the Creditiste Party who oppose certain parts of the clause absolutely. I assume they are willing to accept any limitation of that clause if their acceptance means they will obtain the support of the house.

I was impressed by the speeches of hon. members on this side of the house, and particularly so by the speeches of the hon. members for Ontario (Mr. Cafik), Montmorency (Mr. Laflamme), Kenora-Rainy River (Mr. Reid) and the hon. member who has just