

That Bill C-43 be amended in clause 1 by striking out line 10 at page 1 and substituting the following therefor:

"imprisonment for a term not exceeding twenty"

No. 22

That Bill C-43 be amended in Clause 1 by striking out line 16 at page 2 and substituting the following therefor:

"twenty years"

The proposed amendments would serve to increase the penalties under the Bill from two to twenty years. As the Minister of Justice indicated to the House of Commons during Report Stage debate, increasing the severity of punishment for inducing an abortion outside the exemptions permitted by law from two to twenty years would have an adverse affect on the constitutionality of the Bill.

Motions No. 10, 12, 13 and 14

No. 10

That Bill C-43 be amended in Clause 1 by striking out line 14 at page 1 and substituting the following therefor:

"were (was) not induced, the life of the"

No. 12

That Bill C-43 be amended in Clause 1 by striking out line 16 at page 1 and substituting the following therefor:

"seriously threatened"

No. 13

That Bill C-43 be amended in Clause 1 by striking out line 16 at page 1 and substituting the following therefor:

"threatened and the medical practitioner has concluded that there is no other medically acceptable treatment to alleviate the health risk."

No. 14

That Bill C-43 be amended in Clause 1 by striking out lines 18 to 20 at page 1. (This removes the definition of "health".)

The proposed amendments would either eliminate the standard of "threat to the health" of the female person and apply a more stringent requirement that there be a "serious threat to health" or a "threat to (the female person's) life" or require the medical practitioner to conclude that only abortion would alleviate the health risk to the woman.

As the Minister of Justice stated in the House of Commons on May 22, 1990, the imposition of a "serious threat to health" or the requirement that the woman be in a life-threatening situation in order for an abortion to be performed, at any stage in a woman's pregnancy, would be contrary to the reasoning of the Supreme Court of Canada in *Morgentaler*, and thereby jeopardize the constitutional validity of Bill C-43.

[Senator Doody.]

Motions No. 16, 17A and 17B

Motion No. 16

That Bill C-43 be amended in Clause 1 by striking out line 19 at page 1 and substituting the following therefor:

"considerations of physical and mental factors as they cause a serious threat to life and"

Motion No. 17A

That Bill C-43 be amended in Clause 1 by striking out line 19 at page 1 and substituting the following therefor:

"physical and mental"

Motion No. 17B

That Bill C-43 be amended in Clause 1 by striking out line 19 at page 1 and substituting the following therefor:

"physical and mental health, and does not include psychological"

In the proposed amendments, the reference to "psychological" in the definition of "health" has been removed. The Minister of Justice explained to her fellow Members of Parliament, in her speech during debate of the Bill at Report Stage, that the definition of "health" in this bill explicitly refers to psychological health in order to comply with the ruling of the Supreme Court of Canada in *Morgentaler*. Removal of this ground would, therefore, increase the risk that there would be a successful challenge under the Canadian Charter of Rights and Freedoms.

Motion No. 20

That Bill C-43 be amended in Clause 1 by striking out lines 4 to 8 at page 2.

The effect of the proposed amendment would be to remove the exception provided for the use of the IUD and the "morning-after" pill. As the Minister of Justice advised the House of Commons on May 22, 1990, to attempt to regulate the pre-implantation stage by abortion legislation would have an adverse effect on the constitutionality of Bill C-43.

GOVERNMENT EXPENDITURES RESTRAINT BILL

SECOND READING

On the Order:

Resuming the debate on the motion of the Honourable Senator Roblin, P.C., seconded by the Honourable Senator Bielish, for the second reading of the Bill C-69, An Act to amend certain statutes to enable restraint of government expenditures.—(*Honourable Senator Frith*)

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, in 1966 Bill C-207 was passed by Parliament. Its short title was the "Canada Assistance Plan". How-