

broken. I think it is perhaps doing an injustice to a great many well-intentioned people and organizations to suggest that this law has been broken every day. I think perhaps many people who want to have the law changed tend to say too easily that the law is being broken when actually there are a relatively few numbers of cases where the law has actually been found by courts to have been broken. I suggest that the law is not being broken to such a degree because, in most cases, surely the activities of groups and the professional persons who have been mentioned by the witnesses are serving the public good, as is provided for in the present section.

What I object to about the existence of this section is that it does put the onus, as the previous witness has said, where I do not think it should be, and, by so doing, it inhibits the activities of professional people who should be giving this kind of advice but feel restrained from doing so and it exposes these people to the possibility of criminal charges which I think is not in the public interest.

I believe that the law has had the effect, therefore, of restricting personal choice and personal freedom and, as the previous witness has said, I think that no law should do that unless it serves some serious public purpose in doing so. I think that really delineates the difference between the two approaches that are taken in these four bills.

I am not prepared to say, as Mr. Basford said, that you should support Mr. Prittie's bill. I am not prepared to say that any of these four bills is a complete answer to the problem as I see it. My concern about the approach taken in Mr. Prittie's bill and in Mr. Wahn's bill is that it perhaps suggests that there is no element of this field which is worthy of treatment in the criminal law. It seems to me that it is significant that this matter has been referred to the Health and Welfare Committee because surely there are very serious health aspects of this matter and, if there are, surely there is some public interest to be served by having any information and devices in this field very strictly supervised medically. Surely there is an aspect of public health and public safety and public morality which still has a place in our criminal law in this field of birth control. I think we have to ask ourselves, for instance, whether we are prepared to wipe out the reference to birth control completely in the criminal law without ensuring that whatever else the federal government can do to protect the public health and public safety is done. I think we have to ask ourselves for instance, whether we are prepared to have birth control devices available universally to all people of all ages, through the mails, through public vending machines, through means which are available to persons of all ages publicly.

● (12: 00 p.m.)

Now, it has been suggested that these problems, if they are recognized as problems, can be dealt with in terms of provincial legislation or regulations under the Food and Drugs Act. Perhaps they can, but it is my concern that we simply not take the attitude that the provincial governments can look after these matters if they find it necessary to do so. I am sure this committee will want to have advice on exactly how these precautions can be taken and enforced, whether by provincial law or federal law or by regulation before we simply wipe out of our Criminal Code something which I think still has an aspect of protection of public health and safety. In saying that, I want to reiterate I feel it is very important that we do reform the law so that family