

Criminal Code
CRIMINAL CODE
 REPORT STAGE

The house resumed, from Monday, April 28, consideration of Bill C-150, 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, as reported (with amendments) from the Standing Committee on Justice and Legal Affairs, and motion No. 24, Mr. Woolliams (for Mr. Valade).

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, last evening I was discussing the amendment before the house in reference to abortion and had almost concluded my remarks. I want to make one or two further references to this matter.

Before doing so let me say that as a result of the remarks made by the President of the Privy Council in respect of delay during this debate—and I only speak for this party—the minister would surely agree, were he here, that we gave full co-operation during the committee hearings. If anyone looks at the record he will note that the opposition members made very few remarks on this amendment. There was no delay so far as we were concerned. I made it my duty to explain this amendment as it appears on the order paper in the absence of the hon. member who put it on the notice paper.

In my opinion the amendment concerning abortion does not change the law very much. It was worded in the manner it was worded in order to catch two classes of people, those who are absolutely against any extension of the laws on abortion and those who think that abortion should be carried out in a wholesale manner. As far as I am concerned, the law as it is drafted in the new bill does not change the present law in Canada.

The bill proposes an amendment to Section 209, which I dealt with last evening, in that it adds the words "act of birth". This would mean that when a woman was in labour in the delivery room there would be no need for a doctor to go to a committee. If he could in all faith say it was necessary to cause a miscarriage for the purpose of preserving the life of the mother or the health of that mother it would be done without delay.

The second amendment the minister brought in was based on the opinion of the committee that if, in the act of birth, it was necessary to preserve the life or health of the

[Mr. Macdonald (Rosedale).]

mother a doctor could perform the operation in an accredited hospital. I am at a loss to understand why the minister would suggest that Section 209 has nothing whatsoever to do with abortion. As found on page 333 of Crankshaw's Criminal Code, section 209 refers to the killing of an unborn child. This is the law as defined in Crankshaw or in any other book on criminal law dealing with this section. This is the law as referred to by Professor Mewett of the University of Toronto and other legal opinion. In other words, the killing of an unborn child would be caused by a miscarriage, and under that heading would mean an abortion.

It seems to me to be impossible for the minister or his officers to come to the conclusion that Section 209 has nothing to do with abortion. The killing of a foetus at any stage of development is really what is meant by abortion under the law today. This section has reference to the preservation of the life or health of the mother, and there really has been no change in that regard.

The hon. member for Peel South (Mr. Chappell) probably let the cat out of the bag in respect of the Liberal plan to satisfy everybody. I say the government is speaking out of both sides of its mouth in that it wants to get across to the nation that it is helping those who want wholesale abortion and those who do not want abortion extended. This is a policy adopted in order to get the votes of all these people by putting them in one basket.

I do not think anybody could have put this more clearly than that hon. member did in a letter he sent to a Mr. Edward O'Brien of 95 Roywood Drive, Don Mills. The letter is dated March 14, 1969. I will not read it all, but I think a part of it is of great interest. The hon. member said in the last paragraph:

Actually the laws of Canada now in respect to abortion and homosexuality are the most archaic in the western world. Although the expression "unborn child" is used by those who oppose the bill, this is not a life and no religion that I know of anywhere in the world recognizes or claims that the foetus has a soul. Rather than turning the clock back 1,000 years, the change will bring us forward from the laws of the middle ages.

I do not know what he means by that because it does not change the law very much. This letter really tells us what is going on in the Liberal caucus. That party embraces all religions and philosophies and it arrives at the same conclusion for everyone. The hon. member states in his letter:

As I said before, it was supported by all members of the Liberal party including Roman Catholics from every province with the exception of one.