

*Government Orders*

the House witnessed an impassioned debate. It was impossible to reach a consensus. No motions or amendments were passed. However, the debate and the vote proved how difficult it was to find a satisfactory solution.

• (1210)

Second, the fall election of 1988 obliged us to further postpone dealing with this issue. Finally, we decided to wait for the Supreme Court's decision in the Borowski case before going any further. In this case, Mr. Speaker, the Supreme Court had to determine whether the foetus enjoyed the right to life guaranteed under Section 7 of the Charter and the equality rights provided under Section 15. The Supreme Court rejected the appeal last March.

Since Section 251 of the Criminal Code was no longer in effect, there was no case, according to the court.

[English]

The House will appreciate that while dealing with the impact of the Supreme Court's decision in Morgentaler or any legislation dealing with abortion was a matter of great importance, it was also one which demanded the most careful consideration, consultation, and many months of serious study and deliberation.

The work of the Law Reform Commission was carefully considered, and I congratulate the commission for its excellent work. I also want to thank the more than 150,000 Canadians who have taken the time to express their concern to me about this important matter. We believe that we have a reasonable solution to a very difficult issue.

Abortion is an issue which divides Canadians. There are no neutrals, everyone has an opinion. These differences of opinion are reflected in cabinet and in Parliament.

It appeared for a time that the very lack of consensus on this issue made new abortion legislation difficult, if not impossible, to achieve. However, the events of this past summer illustrated a clear need for a national position on the issue of entitlement to abortion and led many Canadians to realize that a balanced approach, recognizing the strongly-held views of all, was required.

I note in passing that the events which led to this reassessment, that is the applications for injunction, could have been made prior to the old abortion law being struck down. Indeed, there were such applications. However, coming as they did in the absence of any federal abortion law, court applications had the effect of crystallizing public demand for abortion legislation. Canadians will never be unanimous about what abortion law should be passed, but there is currently considerable consensus that some federal law should be enacted. Some legal mechanism regulating abortions is in order. As the government it is our duty to act, and through this proposed amendment to the Criminal Code the government is taking action.

We have decided to proceed using the criminal law powers of the federal government. In coming to this conclusion and decision we carefully canvassed all the options there were to address this issue. But only by using the criminal law power, however, can the federal government ensure a national approach to the issue of entitlement of abortion.

The federal government cannot directly regulate abortion or the conduct of individuals in any other way. The federal government cannot directly provide medical services, nor can it prevent court actions, such as applications for civil injunctions to prevent a woman from obtaining an abortion. These are matters within provincial jurisdiction. What we can do, and what we are doing, is proposing legislation which will establish a national standard for entitlement to abortion in Canada. It is worth noting, Mr. Speaker, that the Law Reform Commission and the Right Hon. Leader of the Opposition have both endorsed the use by the federal government of the criminal law power to legislate on the abortion issue.

[Translation]

Under the proposed legislation, any woman seeking an abortion will have to consult a medical practitioner. Abortion is a medical act that requires specialized knowledge. Consequently, abortion can only be practised by a person with the requisite medical qualifications, and only on health grounds. If the medical practitioner is of the opinion that the pregnancy would threaten the life or health of a woman, an abortion will be induced. The legislation does not provide what some people refer to as abortion on demand. The term "health" is broadly