

*Government Orders*

Since I first uttered those words we have had no law in this country regarding abortion. In the view of many women including myself the absence of legislation appeared to respect what I believe, that the judgment of women faced with a difficult decision and their capacity to make a better decision than anyone in this chamber on their behalf was respected in that environment.

In my own mind I have always taken it for granted that as a part of the process of a woman making that decision, she would seek the advice and the consultation that she requires with the father of the child and with her family, or she may choose not to seek it but that she would seek medical advice.

Whatever discussions she chose to have or not to have, ultimately it would be her decision. But as time passed it became clear that the situation for women was not more stable in the absence of legislation but indeed the reverse. Some provincial governments took action against the interests of women. The number and intensity of civil actions increased.

In my earlier speech as well, I reminded the House that I am not a minister of God, I am a minister of the Crown, and I continue to take those responsibilities as a minister of the Crown very seriously. In light of this new situation, what is my responsibility as a legislator, along with that of my cabinet colleagues?

We have heard some discussion in this chamber around when life begins. I pointed out then that society and religion over the centuries have had differing views including such things as that the soul enters an unborn baby boy after 40 days and a girl after 80 days, that the soul enters the unborn child at the time of quickening when the woman feels the foetus moving for the first time. We as parliamentarians are not the ones to determine that, and certainly the woman bearing the child is far better qualified after seeking her own religious counsel.

As a legislator my objective in this process was that we provide a stable legislative framework whereby a woman would have entitlement to the medical services she requires when faced with this profound decision. This required first of all an examination of the federal powers in this regard. They are more limited than I would like.

Under the Canada Health Act, which at first glance to many of us seemed the most appropriate vehicle, the Government of Canada is not in a position to specify abortion as a required service. My colleague, the Minister of National Health and Welfare, has gone into his role and that of the Canada Health Act in some detail, and I will not repeat his arguments. I am sure he would agree that we examined exhaustively this possibility.

Second, if we are to have legislation there will of course be sanctions. What will they be? Many women, including myself, wanted legislation outside the Criminal Code. Once again we had few models. One of them was the Narcotics Act. Even there the sanctions remain criminal sanctions, so where is the advantage to women in that?

Once again, after lengthy discussion our conclusion was that our powers were limited to the Criminal Code. This is not a happy conclusion for me, not by a long way. But what we were able to define was that only the person who induces an abortion outside the law should have sanctions applied. This means that women are protected from the fear of prosecution except under very unusual circumstances and that is an improvement over the former law, albeit a marginal one, for women.

For medical practitioners they are not any more at risk of prosecution than they are under the criminal provisions that guide their behaviour in other aspects of their daily practice. Doctors and others with medical responsibility will in the future, as they have in the past, apply high standards of medical ethics to the role that they are called upon to play.

The thrust of this legislation then is to define abortion as a medical act. Based on a definition of health and wellness, it entitles women to abortion under a wide variety of circumstances. In my view this will assist in providing the stable legislative and societal framework which I was seeking.

Sadly, as a federal government we cannot guarantee access, something that women have been asking us to do. What we have done is ensure, to the extent possible, that provinces take their responsibility in this issue seriously and that they live up to their jurisdictional responsibilities in that regard. For women, this may mean that they must continue to press for the right to choice in other venues. I know that they will do that and I support their efforts.