

Criminal Code

Mr. Robert McCleave (Halifax-East Hants): Perhaps I could say a few words on my amendment and the subamendment just accepted by Your Honour. First, I should like to thank the hon. member for Calgary North for filling in for me with an explanatory speech when I was not able to be here at the time when this amendment was called. My concern arises out of the fact that a good many of the witnesses who appeared before the committee or who made submissions had raised the point in committee or in correspondence with the members of the committee. They expressed a fear that since abortions will become legal under certain circumstances, some duty will lie upon hospitals or medical personnel to carry out abortions.

I heard the minister's argument in committee and I have been given the gist of his argument earlier this afternoon. But an ounce of caution is sometimes worth a ton of cure, and I believe that the words I have suggested will allay these fears and make it absolutely clear that these institutions and doctors cannot in any way be forced to perform abortions. I think the strongest argument I have in that regard is the definition of the word "board" in new subsection (6) (c) at page 43 of Bill C-150. It reads as follows:

"board" means the board of governors, management or directors, or the trustees, commission or other person or group of persons having the control and management of an accredited or approved hospital;

This debate has so far proceeded on the assumption that control and management would be vested in local hands, people aware of the conditions in the community. But I suggest that the definition of "board" as proposed in this legislation is broad enough so that a provincial body such as a hospital commission could assume control of all hospitals in a province. Therefore my fear is that while we have tried to put in the legislation some safeguard against hospitals being required to carry out therapeutic abortions if it is against the beliefs of those who have established or are running the hospitals, it could be circumvented by the definition of the word "board". I suggest that it would be perfectly possible for any provincial government, through a hospital commission, to assume over-all direction of accredited or approved hospitals. I think this fear can be overcome by the house adopting the subamendment proposed by the hon. member for Regina East and my own amendment.

One of the facts of life regarding Canadian hospitals is that many of these institutions are

established by groups whose religious principles are very firmly against abortion. I would not want to see them in any way inhibited from establishing even more hospitals as our nation develops and our northern areas are opened up. In the past they have been very good in sending religious groups to provide services that it was otherwise impossible to provide. But unless we adopt some safeguard such as I am suggesting the future development of hospitals, particularly in our northern areas, might be inhibited.

I believe generally in the principle of abortion because I think an individual should be free to choose whether or not she wishes an abortion to be performed on her. If by spiritual inclination she is opposed to it, then the remedy is entirely within the hands of the unfortunate woman. But when we move to the broader field involving hospitals, doctors and medical personnel, we have to add something to the legislation to establish clearly that a person cannot knock at the door of a hospital or at the door of a doctor asking that an abortion be performed.

Finally, when I drafted the amendment I made it parallel to new subsection 7 as it appears in the legislation before us. I also think the constitutional aspect is not affected. Subsection 7 does not eliminate any other steps that would have to be taken before an abortion could be procured. I am carrying it a step farther and ensuring that no hospital or medical person can be put in the position of being legally required to carry out or procure the abortion of a woman. For these reasons I have presented the amendment, and I gladly welcome the subamendment proposed by the hon. member for Regina East.

● (4:50 p.m.)

[*Translation*]

Mr. Roland Godin (Portneuf): Mr. Speaker, I should like to support the proposed amendment to the clause on abortion.

In my opinion, any measure to promote the family deserves careful consideration. I know that there are nowadays a great number of wives who accept their role as a mother and who endeavour by all possible means to preserve the life of their unborn child.

Now, as the family is the foundation of society, some special action should be taken to help it, because in my opinion, human beings, human resources, are the greatest wealth of our country.