

*Criminal Code*

expression "assurément", (assuredly), it means "certainement", (certainly) "sûrement" (surely); as for the word "probablement" (probably), the Petit Larousse gives it the meaning of "vraisemblablement" (likely). As for the word "vraisemblablement" (likely), its meaning is "avec vraisemblance" "selon la vraisemblance" (with all likelihood).

This is why I proposed the amendment to delete the words "or would be likely to".

Another aspect of clause 18 (4) (c) on which I would like to comment is the word "health". And, Mr. Speaker, I am surprised that one did not include in clause 18 a paragraph allowing the governor in council to enact regulations in order to define what is meant by the word "health".

Indeed, I would like to have an answer to the following question: What is health? Where does it begin? Where does it end? Still, we must admit that we are dealing here with a sector of medicine that lends itself more easily than others to individual interpretation. Consequently, psychiatrists are far from unanimous on this point.

Mr. Speaker, some remarks have been made concerning the word "health". I refer to volume No. 16 of the proceedings and evidence of the standing committee on justice and legal affairs at its March 27, 1969 sitting.

On page 801, to a question put to him on the word "health", Mr. D. H. Christie assistant deputy attorney general replied, and I quote:

So far as we are aware there is no legal definition of the word, and presumably it would be interpreted in accordance with its ordinary dictionary meaning.

To another question put to him on the same page, on the same topic, his reply was as follows:

Once the courts define the word it will take on the aspect of a judicial definition.

Presumably, in accordance with the ordinary rules, they will apply the ordinary dictionary meaning to the word.

On page 802, in reply to a question on the definition of the word "health", Mr. J. A. Scollin, director of the criminal law section of the Department of Justice, made the following comment:

At the meetings which took place between representatives of... the Canadian Medical Association, the advice of the representatives of the Canadian Medical Association was that from a medical point of view they preferred the word "health", treating mental and physical health as a whole; and that the word "health", from a medical point of view—from their point of view—

On page 803, giving his own definition of the word "health", Mr. Scollin said, and I quote:

I really have no difficulty myself... "Health" means just what it means: mental and physical—the total health of the being. It would not give me any difficulty at all.

If I refer to No. 16 of the proceedings of the committee on justice and legal affairs of March 27, 1969, I see that my colleague the hon. member for Windsor-Walkerville (Mr. MacGuigan) made a few comments based on what had been said before the committee on health and social welfare, when studying the first draft of Bill C-195, and I quote:

The committee in its consideration intended health to mean physical and mental health and not the wider definition given to it by the World Health Organization.

I continue my quotation:

The committee feels that a simple amendment to the proposed legislation should establish that a clear and direct serious threat to the mother's health must be present.

In my opinion, the door is left open, because persons wishing to get an abortion will give psychological and social reasons.

That is why, Mr. Speaker, I proposed amendment No. 26 to delete the expression "or would be likely" which appear on page 43 of Bill C-150.

**Mr. Turner (Ottawa-Carleton):** Mr. Speaker, I hope that this time the hon. member will excuse me if I speak in English. I have to be very specific. The terms he referred to are rather specific also. I find three distinct parts in his argumentation. I want to deal with each one of them.

He said first that there might be a difference between the French version and the English version of the section.

● (4:50 p.m.)

[English]

We have already received an opinion that the two versions relating to the words on page 43, line 4, "would or would be likely", which come in the larger context of "in its opinion the continuation of the pregnancy of such female person would or would be likely to endanger her life or health", and the French version "mettrait certainement ou probablement en danger la vie ou la santé de cette dernière", do correspond. However, I have asked the department to look into this matter again.

I also understand that it is the practice, if there is a subtle difference between the two