

*Government Orders*

• (1250)

It was a lot like making an appointment to appear before them to give the arguments. There are places in our country where a woman will not be able to obtain the judgment of a doctor, which is required in this new legislation. Because of the absence of that opportunity to have a judgment on the question of health, I believe the legislation is at least suspect, if not deficient, on constitutional grounds.

Mr. Justice Dickson pointed out:

The law has long recognized that the human body ought to be protected from interference by others.

That is the way this determination can be seen. Mr. Justice Beetz noted:

A pregnant woman's person cannot be said to be secure if when her life or health is in danger, she is faced with a rule of criminal law—

That is what we are talking about here, and the minister admits it:

—which precludes her from obtaining effective and timely treatment.

I feel that the reservations and the process established constraining the rights of a woman, recognized by the Supreme Court of Canada, may invalidate this legislation.

On the other side of it, the Supreme Court of Canada recognized clearly that the interests of the foetus could be protected by the legislation that it invited Parliament to bring forward. Where is that protection? I do not see it in this legislation.

I do not see a clear statement, that at any point in the pregnancy the interests of the foetus should be recognized. I would remind the House of statements made by the Supreme Court of Canada in the decision, statements with which I and my leader agree, which we urge that the legislation reflect. Mr. Justice Beetz pointed out:

— that there would be a point in time at which the state interest in the foetus would become compelling. From this point in time, Parliament would be entitled to limit abortions to those required for therapeutic reasons and therefore require an independent opinion as to the health exception.

The consideration which would justify an abortion being performed in the first week or in the first month, under this legislation, is exactly the same in this legislation as the consideration which would apply in the latest stages of a pregnancy. The legislation sets out no differences in the health considerations of the woman which the doctor is to take account of. There is no

requirement that the foetus interests be given any weight at all.

Madam Justice Bertha Wilson pointed out in the same judgment:

The precise point in the development of the foetus at which the state's interest in its protection becomes "compelling"—

She left that to the informed judgment of the legislature. She continued:

—which is in a position to receive guidance on the subject from all the relevant disciplines. It seems to me, however, that it might fall somewhere in the second trimester.

Could there be a clearer invitation from the Supreme Court of Canada to consider and develop an informed judgment about what is the the proper point at which that consideration should be given weight? There is nothing about that in the legislation.

This legislation is not informed by the kind of consideration that the Supreme Court of Canada invited us to engage in. Therefore it cannot be called right to life legislation. I know members of the government party will want to call it that but they cannot. It does not develop a concept about the emergence of a foetus, of a human being, and a requirement that that be respected. There is not a word about it in the legislation. For the minister to call this a balanced bill which reflects two points of view is wrong.

He calls for a compromise. I do not see a compromise in this legislation. As I said in the press conference the other day, I see a subtle form of fraud in which the legislation invites women, as I said last week: "Ladies, here it is. All you have to do is find the right doctor. All you have to do is give the right reasons, and what have you got to complain about?"

That is an insulting and humiliating position to deliver to the women of this country. To call it a compromise is misleading. It is a cop-out. It is a failure, really, to address or respect a fundamental difference of views within Canadian society. It is a way of getting around it by copping out, which I think is really more a fraud or a farce than putting water in the wine or compromising in any sense of the word.

It reminds me of the old days when condoms used to be sold in drug stores with the slogan on the side of them: "Not to be used for birth control purposes". I have forgotten the exact language, but it was stated that it was supposed to be used just to prevent communicable sexual