

Criminal Code

that will be wrong. It has been suggested the remedy does not lie in the Criminal Code. Now, is the time to speak out against any undue pressure.

It is the government's proposed amendment to the Criminal Code which sets up the therapeutic abortion committee. Bill C-150 will entitle a doctor to perform a therapeutic abortion under certain conditions, therefore it is now that we must raise the protest against any undue pressure being exerted. If the abortion committee is not set up or if a doctor does not wish to carry out a therapeutic abortion. There may have to be accompanying legislation from the provinces because no hospital may be able to found a claim in contract or otherwise under these sections against any provincial hospital authority that brought undue pressure. There might be a possibility of a claim for damages, but I think the grounds might be rather tenuous.

When dealing with this bill, we in this house cannot provide that there shall be a civil remedy against any provincial hospital authority that brings undue pressure on either a hospital authority or practising physician or any legal action being brought against either or both of them because of their refusal. I support the spirit of the amendment. I think it has its place at this point.

As my colleague the hon. member for Simcoe North (Mr. Rynard) stated, this is the point where we, as legislators, should indicate there must be no penalty on any hospital or physician refusing to carry out a therapeutic abortion as may be permitted under this act. I wish to reiterate the therapeutic abortion committee will be a creation of this act now before us. If there are to be any consequences arising out of the conduct of this potential committee, they should be expressed in the Criminal Code.

[*Translation*]

Hon. Martial Asselin (Charlevoix): Mr. Speaker, my comments will be similar to those made by the previous speaker on the amendment before us, which reads as follows:

"Nothing in this section shall be construed as obliging any hospital to establish a therapeutic abortion committee or any qualified medical practitioner to procure the miscarriage of a female person."

The hon. minister of Justice, Mr. Turner, has probably received some time ago a written memorandum from the Medical Association of the province of Quebec, stating the

[Mr. Lambert (Edmonton West).]

clear opposition of its members to the obligation for the medical committee of a hospital to procure what is called a therapeutic abortion.

Like the hon. minister and other members, I have received a request from the medical doctors asking that we oppose that provision in the bill. To date, the hon. minister has not heeded the appeal made by the Medical Association of the province of Quebec. I wonder whether all the doctors making this appeal to the hon. minister and to the members of this House can be wrong.

According to the bill, doctors refusing to procure therapeutic abortion would be penalized. I do not believe that such is the intention of the hon. minister. His Parliamentary Secretary (Mr. Cantin), signals that it is not. I would like the parliamentary secretary or the hon. minister himself to give the house a clear and definite answer about the intentions of the legislators with regard to the provisions of this act.

If a person goes to the hospital for a abortion and if the hospital or the doctors there refuse to grant the request, will they be punishable under the act? That was not explained and that is why I am speaking about the Medical Association of the province of Quebec this evening. I ask the hon. minister to clarify the bill for us.

● (8:50 p.m.)

It is obvious that Catholic hospitals in the province of Quebec did not allow abortions until now. Even when the mother's life was endangered. I do not believe the law can establish a criterion, permitting to determine whether the life of a pregnant woman is in danger because her pregnancy does not progress normally. I say the minister fails to do his duty by refusing to give on this bill clarifications that could protect doctors in Catholic hospitals who would refuse to perform an abortion.

Moreover, Mr. Speaker, I am completely opposed to the party in power legislating on what concerns the mother's health in the case of a difficult pregnancy or premature birth. I believe legislators have no right neither on life nor on the effects of a difficult abortion. They must not substitute themselves to Providence.

The object of my contribution in this debate is to tell the Minister of Justice that the provision concerning abortion is so complex, entails so many after effects and creates so many difficulties that the legislator is