

Adjournment Debate

shot. Let the new president run this corporation within certain guidelines. I ask hon. members to accept this very well thought out proposal as introduced by my colleague, the hon. member for Wellington-Dufferin-Simcoe (Mr. Beatty).

[Translation]

Hon. André Ouellet (Minister of Consumer and Corporate Affairs and Postmaster General): Mr. Speaker, I would say very briefly in reply to the comments made by the two hon. members who have just spoken on the amendment that the Canada Post Corporation will be included in Schedule C of the Financial Administration Act, which means that the government and Parliament will clearly be interested for a while longer in seeing how the new corporation can operate, at least during the first few years.

In particular, it is to be expected that the government will have to make up for the operating deficit of the corporation, at least for a while. It is only after a certain time that we can hope to see the corporation become self-sufficient. Therefore, it is not improper, as such, that appointments should be made by the governor in council, at least for a while after the corporation starts its operation. In fact, the directors of several corporations included in Schedule C of the Financial Administration Act are appointed by the governor in council.

Moreover, the member who introduced motion No. 3 seemed to suggest that we should prevent the board of directors of the corporation from being one day able to manage the affairs of the corporation. For his information, I shall read very quickly paragraph 10(1) of the bill which states the following: The board of directors of the Post Corporation shall direct and manage the affairs of the corporation and may for such purposes exercise all the powers and perform all duties of the corporation. The board therefore has all the powers which the hon. member wanted the board and the corporation to have. The government is in fact giving to the board of directors full power to manage the new corporation.

I believe that the outline law on Crown corporations which will be introduced later on by my colleague, the President of the Treasury Board (Mr. Johnston), will alleviate to a large extent the concerns expressed by the hon. member. I do not think that there is anything else for me to add, and I believe that this motion should not be retained. I suggest that it be defeated.

● (2200)

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 40 deemed to have been moved.

THE CONSTITUTION—EFFECT OF CHARTER OF RIGHTS ON ABORTION PROVISIONS IN CRIMINAL CODE

Mr. Stanley Hudecki (Hamilton West): Mr. Speaker, on March 23, 1981 my question to the Minister of Justice (Mr. Chrétien) was phrased as follows:

It is my understanding that the government interprets the charter of rights in the proposed constitutional resolution as it pertains to the question of abortion as being natural.

What assurance can the minister give that Section 7 of the charter of rights will not be construed so as to make abortion, in the early phase of pregnancy, essentially a matter of privacy and thus protected from the sanction of the Criminal Code?

The Minister of Justice answered:

—the question has been debated at length in the committee. I have stated the position of the government in this matter, that the question of abortion is dealt with in the Criminal Code and in no way can the charter be used to interfere with the actions of this Parliament in relation to the Criminal Code and abortion.

My purpose in bringing this question to the attention of the Minister again is twofold. Incidentally, I want to correct the misspelling in *Hansard* of the key word in the question, changing it from "natural" to "neutral". This error cannot be corrected in the copies of *Hansard*.

However, the real question is this: has a woman, in early pregnancy, the right to seek abortion under the provisions of Section 7 of the proposed constitutional resolution, claiming invasion of her liberty so as to bypass the Criminal Code of Canada? Under the present Criminal Code abortion is illegal unless certain statutory conditions are fulfilled. The following question must be answered: Does Section 7 of the constitutional resolution in essence pave the way for abortion on demand as did the decision of the supreme court of the United States in *Roe et al vs. Wade* in 1973? In that historic supreme court of the United States decision, with two out of seven judges dissenting, the abortion laws of Texas and other states were struck down.

The reasoning of the court was as follows: under the constitution of the United States individual liberty was guaranteed. The court ruled that the concept of liberty included the concept of privacy and that the concept of privacy makes abortion in the early phase of pregnancy essentially a private matter and not a matter on which the state would enact a penal sanction. The court reached this decision only after making an arbitrary ruling that an unborn child has never been recognized in law as a person in the whole sense. In other words, the unborn child was not a human being and had no rights.

In drawing a comparison between possible decisions of the supreme courts of Canada and those of United States courts one must keep in mind the following considerations: First, there is a similarity between the fourteenth amendment of the United States constitution and Section 7 of the proposed constitutional resolution; second, that in the United States courts the unborn child is not considered a human or a person until born; and third, that the Supreme Court of Canada has a tendency to follow the line of reasoning adopted by United States courts in many of their adjudications—for example, *Dehler v. Ottawa Civic Hospital*.