

*Criminal Code*

One need only look to the United States to see the problems which a court-imposed solution created. In the 12 years since the U.S. Supreme Court gave a virtual green light to abortion on demand in its landmark decision *Roe v. Wade*, an estimated 15 million legal abortions have been performed in the United States. More than one-quarter of all pregnancies now end in abortion at a rate of roughly 4,000 per day. In some areas such as New York State, the number of abortions every year nearly equals the number of live births. At the same time, the vocal minority that never accepted the original court ruling has grown in size, sophistication and frustration and has taken its fight to the streets. The debate has now turned violent in the United States with doctors and nurses who perform abortions being harassed and with clinics being bombed. That debate is on the wrong track. Surely there is in that land as in this land a Congress that can provide more appropriate direction than the court room.

An important question to ask is what are the ramifications of preventing access to a therapeutic abortion when a woman's health is at risk. I must ask what that constitutes. As I said earlier, the perception of when a woman's health is at risk and the degree to which it is at risk varies from physician to physician, province to province and hospital to hospital.

Another question to be asked is would today's amendment be an unacceptable intrusion into the field of medicine. The present law recognizes the fact that medical practitioners may find circumstances under which pregnancy is likely to endanger a woman's health. It is in keeping with medical practice generally that danger to health be treated when such indications are present as, in the opinion of medical practitioners, would endanger the health of the patient.

The present abortion law makes no attempt to interfere with the practice of medicine, a matter within provincial jurisdiction. It does not attempt to tell physicians which factors may or may not be included in their medical determination of what constitutes a danger to life or health even when not all physicians agree on the weight to be given the various factors in particular circumstances.

One of my concerns is that very weight that is applied in particular circumstances. One must consider so many different things. One must consider not only the convictions of the physician himself, not only the health risk to the mother but in medical and scientific terms, what other avenues are available to the physician regarding the risk to the life of the patient. Do we have available to us all the expertise that exists at the Ottawa General Hospital regarding complications developing as a result of pregnancies or abortions or do we have available to us information from a small, under-funded, under-staffed and under-equipped country hospital which must face the same kinds of consequences? I would like to add that the report of the committee on the operation of the abortion law submitted in 1977 found that there was no consensus for major changes to the abortion law. These findings have been confirmed in a number of studies and surveys conducted in recent years.

● (1730)

The committee also found that most Canadians were neither in favour of removing abortion from the Criminal Code nor of refusing therapeutic abortions under all circumstances. There is no indication that there has been a major shift in public opinion. I say that the only way in which we can make that major shift is by providing the medium, the social and economic opportunity, for the mother to make a decision to save the life of the foetus. In that context, it is my hope that as a private Member I can address myself with dedication to the provision and improvement of our own social structure so that so many of these unborn will have the chance to reach a life of fulfilment and be able to enrich the lives of their natural or adoptive parents.

**Mr. John Nunziata (York South-Weston):** Mr. Speaker, I appreciate the opportunity to speak to Bill C-226. I would like to begin my remarks by indicating that I am speaking as an individual Member of Parliament. I am not speaking on behalf of the Liberal Party of Canada with respect to its position on abortion. I think that my Party's position with respect to the subject is clear. The official position is that it supports the existing legislation. I would like to say that I do not support my Party's position. I have indicated that on a number of occasions, including one occasion last November here in the House of Commons. At that time I commented on the acquittal in Ontario of Dr. Henry Morgentaler. I indicated that in my view the abortion law must be changed and that greater protection must be afforded the innocent unborn. I said that I would do what I could to ensure that the legislation was changed.

I would like to congratulate the Hon. Member for The Battlefords-Meadow Lake (Mr. Gormley) for taking the initiative and for having the courage to present to the House a Bill to amend the Criminal Code of Canada. He has taken a tremendous step in the right direction. I think he proposes a good amendment. It is specific, straightforward, and deals squarely with the issue.

The issue today is not whether or not we should change the abortion law. The issue today is whether or not a particular Member of Parliament, in this case the Hon. Member for The Battlefords-Meadow Lake, will have the opportunity to have his Bill discussed at the committee stage. We all have views with respect to abortion. However, we all know the process which we are going through here today. This is Private Members' Hour. A Bill has been introduced by a Private Member, a Conservative Member. One hour has been allotted to discuss this Bill. The Bill was before the House once before in September. On that occasion a number of Members of Parliament spoke to it. It was decided by the Government at that time that the Bill would be talked out. According to the process which is in place, if the Government does not support a particular motion or Bill, or for that matter if members of the Opposition Parties do not support a Private Member's motion or Bill, all they need do is talk it out.