

Criminal Code

expressed and elaborated upon in the house. It has been said that in fact the effect of the change may be to create inequality rather than to make abortions easier to obtain.

As to the homosexuality aspects of the bill, again I doubt that the proposed change will have any substantial effect on what is the practice in terms of prosecution. I doubt that these changes will work against the kind of prosecutions which are now in fact conducted. If it is the view of the government that society has no right to be concerned about the moral climate in private society, I do not accept that point of view. However, I do accept the point of view that the criminal law is not necessarily the proper instrument for society to use in this connection. I adopt this view particularly since this law cannot, in fact, be enforced in practice and because when a law exists that cannot be enforced it tends to fall into disrepute.

● (3:40 p.m.)

In summary, on these two aspects of the bill I would say that while there has been a great deal of talk on the other side of the house about the extent of the reform, I doubt that there will really be very much change in the practice so far as the enforcement of the criminal law is concerned. While I perhaps have some reservations, particularly with respect to certain aspects of the changes proposed in connection with gambling, I find important features in the bill which I certainly wish to support at this stage. I mention, for example, those relating to highway safety. Therefore I simply wish to indicate that I shall be voting for the bill to proceed to the committee.

Mr. Maurice Foster (Algoma): Mr. Speaker, today we have returned to the debate on second reading of the Criminal Code omnibus bill, C-150. This measure not only represents reform in many substantial areas such as abortion, breathalyzer tests and gun laws, but also in the procedures of the criminal law in Canada. As such it probably marks one of the most significant changes in criminal law in the history of this country. The extent of public debate in Canada on its provisions in the last year indicates that the people of Canada are well aware of its many changes.

During the course of the debate we have heard a wide divergence of views on the many provisions in the bill. In deciding to leave the bill in its omnibus form it is my opinion that the government adopted the only practical course of dealing with this legislation. All the clauses are government measures

[Mr. Stanfield.]

which will be supported by the majority of the government party. This does not prevent individual members of the Liberal party from voting against a measure if their consciences prevent them from supporting it. Indeed, some have already indicated they will vote against the bill. Presentation of the bill in an omnibus form does not limit debate. Any member is free to speak on the legislation at its several stages.

The bill will receive a detailed clause by clause examination in the Standing Committee Justice and Legal Affairs Committee by very capable members from both sides of the house. The opposition will be able to propose amendments at appropriate times to any clause.

Mr. Woolliams: Yes, but does the hon. member think any of them will ever pass?

Mr. Foster: If they warrant it, maybe.

An hon. Member: That is beside the point.

Mr. Woolliams: It is not beside the point. It is the very thing that matters.

Mr. Foster: Many days of debate will be saved compared with the time which would be taken if we had to deal individually with seven different acts.

In the clauses relating to abortion the proposal simply legalizes what is effectively the status quo in most parts of Canada today. We do not prosecute doctors today who carry out abortions in order to save the life of a mother. Yet most legal authorities believe that technically these doctors are breaking the law and, this being the case, they are liable to criminal prosecution. The bill before us will legalize a situation which already exists, and in future this operation may be undertaken in an accredited hospital without penalty and in specified circumstances such as with the approval of a committee of doctors. The bill goes one step further by permitting therapeutic abortions to be performed when the health of the mother is at stake. It does not resolve one problem with which doctors are sometimes confronted where a young girl has been raped or been the victim of incest and has subsequently conceived. This is a problem which doctors must continue to work with.

A large part of the population of our country is apparently opposed to carrying reform as far as the proposals in the bill now under discussion do. The legislation we are dealing with today seems to be an accommodation of the vastly conflicting opinions within this