

the Criminal Code, as it was written in 1969, very definitely respects life and the life of the unborn child. If there is any doubt about it, that should be seen by the provisions that we left in the Criminal Code, the very significant penalties for interference with the unborn child, with the fetus. Those are significant indeed, and that is the general pattern and trend of the law, to protect the unborn child in that fashion. It is only by way of attempting to deal with some specific problems that medical committees were given the responsibility of determining when the health or life of the mother was in danger.

● (1440)

In the circumstances where it is otherwise an offence punishable by life imprisonment, that should obviously be a very serious question for medical committees and one which they should, if they wish to take on the responsibility, be able to put into effect. It will be our problem, if medical committees do not appear to be able to come to that kind of judgment, to have to review the law.

SUGGESTED INSTRUCTIONS BY MINISTER TO PROVINCIAL ATTORNEYS GENERAL TO ENSURE UNIFORMITY IN APPLICATION OF ABORTION PROVISION

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, I would like to ask a question of the Minister of Justice. I agree with him that the implementation of the law, when it comes to charges under the code, is the responsibility of the attorneys general of the various provinces. In putting this question I would like to remind the minister that it was his government which changed the law and left it ambiguous. In light of the fact that the law is interpreted one way in the province of Quebec and another way in the other nine provinces, and in light of the fact that the minister has made some statements on the interpretation, would he now instruct the attorneys general of the various provinces to see that the law is carried out uniformly across the country?

Hon. Otto E. Lang (Minister of Justice): Mr. Speaker, I do not know to what the hon. member refers when he says the law is being interpreted differently in different provinces because so far as I know it is clear in all provinces that without a medical certificate from an abortion committee in a hospital it is a criminal offence, and a serious one, to perform an abortion or assist in the performance of an abortion, and that is clear law all across the country. The question of the application of section 251 has been a subject of discussion between me and provincial attorneys general. Under the constitution or under any powers I know of I cannot instruct the provincial attorneys general how they are to operate, but I did bring to their attention the varying statistics from province to province and the very forceful fact that it is their obligation under the law to enforce the law as it is written in this parliament and not to apply their personal or political interpretations to that law, and they ought to carry out the law accordingly.

Some hon. Members: Hear, hear!

Oral Questions

PROPOSED REFERENCE OF ABORTION PROVISION TO SUPREME COURT

Mr. Eldon M. Woolliams (Calgary North): In reference to the interpretation of the law I could not agree more with the Minister of Justice.

Some hon. Members: Hear, hear!

Mr. Woolliams: But in light of the fact that he knows, and we all know, that it has not been interpreted properly in some provinces, will he now take my suggestion and have the matter referred to the Supreme Court of Canada so that the attorneys general will carry out what he has just said? What he has just said is merely words and not action.

Hon. Otto E. Lang (Minister of Justice): I am happy that the hon. member has said a couple of times that he shares my view with regard to the law and its application. I say to him that I am in no way convinced that further elaboration in a general way of the meaning of the law would help, and that in fact there is not so much difficulty with the words concerning danger to the health and life of the mother. I suggest to him that in context those are words clearly involving only a very serious consideration regarding the life and health of the mother, and that any court would hold it so.

The problem is really not to interpret them that way but to see that medical committees recognize that it is their responsibility, only when they have formed a serious opinion in that regard, to give a certificate, and that it is the responsibility of provincial attorneys general to try to bring before the courts cases where medical committees are not operating in that fashion.

TYPE AND DURATION OF PROPOSED INQUIRY INTO ABORTION PROVISION

Right Hon. J. G. Diefenbaker (Prince Albert): Mr. Speaker, I have tried to follow the circumlocutions of the minister, but have had difficulty. If matters are as clear as he says they are, the responsibility is that of the provincial attorneys general and the section of the Criminal Code in question is so clear, then what did he have in mind when he stated the day before yesterday that it was the intention of the government to conduct a full and complete inquiry and, to quote the minister, "that we definitely are going to have a very fair and formal public examination of the whole question"? Is it going to be a Royal Commission? What is the purpose of setting up this commission if not simply to postpone taking a stand and to continue to answer questions with the indefiniteness he has shown here today?

Some hon. Members: Hear, hear!

Hon. Otto E. Lang (Minister of Justice): Mr. Speaker, it strikes me as somewhat strange that I can be attacked in this fashion when most people consider that I have probably been abused more than anyone else by people—

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!