

fiscal terms to create a social and economic system which would substantially reduce the need to have an abortion.

There was room for this Parliament to provide real leadership in the country and to meet the concerns of all those who have spoken, for the entire spectrum of opinion. But this legislation and this Parliament is failing terribly to provide that kind of leadership and that kind of direction for Canada when it is so desperately needed. For that reason, I will be voting against the bill.

Mr. Bob Corbett (Fundy—Royal): Mr. Speaker, today on this debate addressing the issue of abortion, I am speaking for the fourth time in my parliamentary career on the right to life for the unborn.

In 1982, the Constitution of Canada was delivered to this country. Despite the fact that it did not have an amendment to it—which I and others of my ilk determined would be in the best interests of the unborn, namely, having a provision included to protect the rights and the life of the unborn—the constitution was repatriated.

With that repatriation, the Parliament of Canada lost its supremacy to the Supreme Court of Canada, and in 1984 this government inherited an abortion law which was struck down early in 1988 by the Supreme Court of Canada. In the intervening two years, the country has been without legislation.

I recognize that the government has the responsibility of governing this country. It has the responsibility of enacting legislation. It has the responsibility to lead. I also recognize that the government has the responsibility to enact legislation that will meet the test of the Supreme Court. Indeed the government of the day is, in fact, in a no-win situation because in my opinion there is no way that legislation can be introduced under the present conditions that will be acceptable to the majority of Canadians.

With this legislation, the government has come under fire from the pro-choice side which believes that any abortion law at all is an impediment to the rights of women. We have seen the pro-life side of the equation just as concerned about the legislation because that side maintains that it forsakes the right of life to the unborn and provides for abortion on demand.

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There are for us who are pro-life three positive aspects to this legislation which I have had to take under very serious consideration. First, by placing the legislation in the Criminal Code, it identifies the act of committing abortion as a criminal act and indeed this is important. Second, the exception to this provision is that an abortion can only be accepted with respect to a decision taken by a medical practitioner with the advice and consent of that medical practitioner as it relates to the health of the mother. Third, as it does not identify a gestation period, and although I am not a lawyer, it would occur to me that there could be a basis now to determine through the procedure of the courts that life indeed does begin at conception which would go a long way to identifying with the crisis in which the pro-life people find themselves.

In my opinion if this legislation were on the books, it might be a good thing from the point of view of the pro-lifers to start the process through the courts and deal with the process through changes to the constitution. If, indeed, the legislation is not passed, the field of abortion may be opened as it is now to those people who have made a career out of taking the lives of the unborn.

However, the legislation has unfortunately fatal flaws. These same provisions that I refer to which give support to those who support life and recognize that the unborn needs legislative protection are indeed the very same concerns that are a deep and grave concern to me. The legislation provides that an abortion may be provided if the mental, physical or psychological health of the mother is threatened. In the legislation nobody has determined what psychological health is, nobody has identified what mental health is. This legislation clearly moves beyond the provision that the life of the mother is the only acceptable condition whereby an abortion may be permitted in the event of distress.

• (1600)

Because the gestational period is not identified the problem becomes, when is it acceptable not to perform an abortion? My grave concern is that with the knowledge that life can be sustained at 23 weeks—at 23 weeks a child may be born prematurely—that life is now threatened under this proposed law because it simply provides open-ended abortion which could be inter-