

Criminal Code

Liberal minister of justice, Mr. Garson, said that the changes he was proposing would protect the public and the doctors. Doctors must be protected. It must be presumed they are acting in good faith. As a matter of fact, the crown must prove in any prosecution that a doctor has not acted in good faith. If you added the word "unlawfully" to section 237 and removed the words "in the act of birth" from section 209, you might have a reasonable abortion law in this country.

Really, the government has put some beautiful drapes over windows here to satisfy those people in Canada who want wholesale abortions and to satisfy those who, because of various convictions and religious scruples, do not want abortions at all. You see here the same old Liberal practice of pointing in both directions; the government is using both arms to point in different directions to satisfy all the people. I know that people will not like me for saying this, but this must be said. It is time we exposed this great fiction of double talk. Whether it is dealing with a language bill or the Criminal Code, this Liberal government manages to talk out of both sides of its mouth at the same time.

Some hon. Members: Hear, hear.

Mr. Woolliams: Some people in this country want wholesale abortions, and others want no abortions at all. Each group thinks this bill is the answer. Some think that anyone wanting an abortion simply has to go to a committee, obtain a certificate and have the abortion performed. This bill does not mean that at all.

An hon. Member: I hope you are right.

Mr. Woolliams: I hope I am, too. The only thing we need to be worried about is if doctors become so ruthless that they interpret the law to mean that any action they take may be considered necessary to protect the health of the woman. If they interpret the wording of the law ruthlessly we shall see wholesale abortions in this country. I know the hon. member is intelligent and understands what I mean.

Naturally, any young girl who gets pregnant will be upset. But I do not think doctors and the courts will say that such a young woman must have an abortion because the abortion is necessary to protect her health or to preserve her life. I do not think the doctors of this country will go that far.

Mr. Flemming: But it only takes the opinion of one doctor, does it not?

[Mr. Woolliams.]

Mr. Woolliams: I agree. We are developing into a permissive society and cannot see what is ahead of us.

An hon. Member: Be careful, or we shall be having some resignations.

Mr. Woolliams: I would not wish to see that. Basically, this law does nothing for girls who have been raped and do not want to bear the child resulting from that offence. That is, unless it is shown that bearing the child will in some way endanger the life or the health of the mother, the girl will have her child. I do not think the courts will go so far as to say that if a girl is pregnant as a result of being raped that that endangers her life or health. So, basically, the act in this regard is left alone. One can say that the law has not been changed. Certainly, if the courts interpret the law as they have been interpreting it since 1953 in this regard, one could well say that the present provisions do not change the law.

Clearly this government is talking out of both sides of its mouth. To those who want abortions it is saying, "Look at what a great reform party we are," and to those who do not want abortions it is saying, "We are really not that kind of party after all, we just want to be very careful in this area." I suggest that if we had left section 209 alone and added the word "unlawfully" to section 237, we should have arrived at basically the same sort of the law the government proposes to have. In addition, our doctors would have been afforded a little protection.

If my suggestion were adopted, doctors would be protected. Abortions would be performed to preserve the life or health of the mother. Also, the law would be more realistic, and we should not wind up playing games, as we are here.

May I now read some questions and answers given before the Standing Committee on Justice and Legal Affairs. I am reading from page 349 of volume No. 10 of those proceedings. This is what I asked Professor Mewett, as reported at page 348:

May I ask you to pause there, so that this is on record? You are dealing with the Canadian Section 209. I think it should be read in at this time.

I will not read section 209 at this time. Having read it, I went on to say, as reported at page 349:

And I take it from conversations I had with you this morning, that you feel that the Bourne case principle that interprets the preservation of the life has been applied in Ontario, and I