

Abortion

Mr. Speaker, because I heard a great many speeches in this House dealing with the motion before us and suggesting amendments which are exactly consistent with Section 251 of the Criminal Code, I feel that those who moved these amendments should know that the notwithstanding clause in the Canadian Charter of Rights and Freedoms should also be used to achieve their goal. Concerning the use of the notwithstanding clause, we should be aware that the Minister of Justice (Mr. Hnatyshyn) had indicated that using it was out of the question.

They will have to live with this and the consequences of their actions. All Conservative, Liberal or NDP Members who want to propose such amendments must be willing also to say that they will propose amendments to the Charter of Rights and Freedoms, because even by using the notwithstanding clause, such legislation would have a five-year sunset clause, so that every five years, they would have to return to the House, debate and pass the same legislation, failing which it would become *ultra vires*.

Mr. Speaker, the motion before us is extremely vague and does not define any of the criteria necessary for us to pass judgment. For instance, this motion states in part:

Such legislation should prohibit the performance of an abortion, subject to the following exceptions:

When, during the earlier stages of pregnancy: a qualified medical practitioner is of the opinion that the continuation of the pregnancy of a woman would, or would be likely to, threaten her physical or mental well-being; when the woman in consultation with a qualified medical practitioner decides to terminate her pregnancy;

I try to read and understand exactly what this really means. If there is a direct intervention by a physician before the woman may make a decision and that her decision is not contrary to the physician's opinion, we are faced again with Section 251 of the Criminal Code which the Supreme Court ruled *ultra vires* while replacing the medical board by a physician. Then again, if we assume that, in the third paragraph of the motion before us, the first part does not lead into or precede the second part, we could read that the woman in consultation with a qualified medical practitioner decides to terminate her pregnancy.

In those conditions, can she exercise the freedom of choice called for by the Supreme Court ruling? Such would be the case only if a doctor is of the opinion that her physical and mental well-being is in danger or if the decision can be made by the woman alone. And when I read the English version, Mr. Speaker, things become even more complicated, because the French version reads as follows:

... la femme enceinte, après avoir consulté un médecin qualifié, décide de mettre fin à sa grossesse;

While the English version reads as follows:

● (2140)

[English]

"When the woman, in consultation with a qualified medical practitioner, decides to terminate her pregnancy".

[Translation]

The French version reads as follows:

... la femme enceinte, après avoir consulté ...

While the English version reads as follows:

[English]

"When the woman, in consultation—"

[Translation]

Which of the two versions, the French or the English, is to take precedence? Will the decision be made by the woman alone or in consultation with her doctor? And what happens if the English version takes precedence and the woman and her doctor are not of the same opinion?

Therefore, the motion before us is extremely vague and, in my opinion, contrary to the Supreme Court's ruling. If we use this motion in a Bill or translate it into a bill, I think we open the door to another court challenge and a resumption of the debate while the matter goes back to the Supreme Court.

Mr. Speaker, I will therefore have to vote against the motion because it is far too vague. For instance, what does "in the earlier stages of pregnancy" mean? If the motion were more specific and referred to a certain number of weeks, perhaps I might give this aspect some serious thought. However, when someone refers to "the earlier stages of pregnancy", some people define this as the first 20 weeks or the first 24 weeks, while others say it is the first 12 weeks. Having tabled a motion as vague and as unspecific as this one, was the Government really serious about asking us to speak to this motion as Members of Parliament?

Mr. Speaker, I would like to leave the technical aspects of the motion and get back to the substance. What is the role of the legislator in our modern society? What is our role here in the House? As I see it, we are here to organize a social order, not to impose our personal views, views that I may have as a Catholic, as a citizen of Montreal, or other beliefs, other personal attitudes which I may be prepared to defend outside the House as a private citizen. Mr. Speaker, I am for the protection of life. I could preach all kinds of sermons outside the House of Commons to defend the right to life and try to convince people. If my daughter came and told me she was pregnant, I would certainly try and persuade her not to have an abortion. However, those are my personal beliefs. That is my set of values.

But when I speak in the House, is that what I am supposed to defend? Shouldn't I try to organize our social order instead? That is my perception of the debate we are having today. It's all very well to say, I am against abortion, except in cases of incest or rape. Mr. Speaker, can you imagine how long it