

great problem. If it is a problem at all, I suggest the matter could be handled in the provinces in the same way as they restrict advertising by vendors of liquor. I know there is concern by some people, but in this field there is some advertising that would be legitimate. I do not know how you can draft a law to permit that type of advertising and no other.

Mr. ENNS: I find the committee in a difficult position with regard to how to address our questions as we have two bills before us. We have the peculiar situation of Mr. Basford saying, "support Mr. Prittie's bill". I am not too sure whether the committee might not say, "That is fine; we appreciate your magnanimity Mr. Basford, and we will confine ourselves to Mr. Prittie's bill." But they are both before us at this time. Perhaps there is another way out of this dilemma. Since Mr. Basford has referred to certain classes of persons as being exempt, I am interested in the statement that nurses are among those who are exempt. Can Mr. Basford say whether a nurse is ever in private practice where she would be prescribing medication? Or would she always be an agent of a public health agency or an employee of a physician?

Mr. BASFORD: I think Mr. Prittie can answer that with more expertise than I, but it is quite conceivable to me that in family planning bureaus and hospitals and private bureaus that a nurse might well be in charge.

Mr. ENNS: Yes, the nurse and the social worker, and so on, but these are still employees of the agency, but I think that the onus of responsibility rests on the board of directors running the agency or the constitutional set-up of the agency but not an individual who is a professional, whether it be a nurse or social worker or clergyman or whoever it may be. It may be a lawyer.

Mr. PRITTIE: Yes; I think the fact that someone is an employee does not necessarily excuse him from a criminal offence. I cannot hire someone to commit murder for me and that murderer say, "oh, I did not commit murder; I was hired".

Mr. ENNS: No, but you would have someone to dispense information with which you agree as an employer. For example, the family planning agency holds that it is not wrong to dispense this information. Now if a social worker or a nurse is employed by that agency is the onus on that employee to stand up to the charge against the Criminal Code or is it on the agency? I feel it is the agency.

Mr. BASFORD: That is a legal opinion, but I would say the onus is on the employee also.

Mr. PRITTIE: I believe that is the case. There was a prosecution quite a number of years ago in Eastview. There was a lady—a social worker—who was acting for Mr. A. R. Kaufman of Kitchener, who runs a bureau which supplies information on contraception. In the Eastview case the lady in question was the one who was prosecuted.

Mr. ENNS: The employee.

Mr. PRITTIE: Yes; Population Reference Bureau I think it is called. In the Eastview case it was the employee herself. This is a matter of law. I could not answer it.

Mr. KNOWLES: Is not Mr. Enns advancing a good argument for taking it out of the Criminal Code altogether rather than trying to draw these lines?