

*Criminal Code*

society. The unborn child has rights as well. Indeed, it might be well to note in comparing our lives with unborn lives that none of us had any say or control over our coming into existence, our birth, and indeed we were well into our lives before we could have even grasped the thought that we have some control over the question of whether we should continue our own lives. Thus, I cannot see my way clear to supporting this section of the bill. It is very vague in some of its wording and meaning, but gives full recognition to a principle that I am not now prepared to recognize.

At the same time, I urge that more work be done to resolve the outstanding questions involved. This involves a decision by many people to allow a full and honest inquiry into all aspects of the matter, and means that some people must be prepared to examine fully previously held dogmatic assertions and assumptions. Other proposals may come forward. Indeed some of my colleagues, as stated by the hon. member for York South (Mr. Lewis), will move an amendment to remove the abortion provisions altogether from the Criminal Code. In some respects this may be preferable. It would mean that we as legislators, would not be giving legislative sanction to this particular matter. Nevertheless, it leaves the question of whether we, as legislators, are avoiding an important responsibility.

In my views on this subject I differ from the policy of my party and of the majority of my colleagues. I respect the sincerity of views held by those who differ with me and I acknowledge and appreciate their respect for my views. It made me proud to be a member of the New Democratic party when I witnessed the ready recognition of these rights and the absence of pressure to conform. I know some hon. members opposite who not only have to wrestle with their consciences but also have to face the pressure of party whips and of the cabinet will envy my position.

I recognize that there is a widespread disposition to approve the amendment on abortion. If it passes it becomes the law of the land, but I sincerely hope hon. members will give further study to some of the implications of the amendment. I wish to enumerate some of the points that concern me.

1. Is not health a very vague term to include in the section as a justifiable reason for an abortion?

2. How will this provision operate in practice? There are a number of factors such as

the relationships of doctors, hospitals, etc., which need to be carefully considered.

3. Is the position of the hospital that does not want to have abortions performed protected, and is the position of hospital employees who do not want to participate in an abortion protected? The doctor is protected who does not want to perform an abortion because he can simply refuse to do so, but nurses and other employees who refuse to do so may find their jobs in jeopardy. Certainly, their position should be protected.

4. Should there not be provision for a review after five years, such as is the case with capital punishment? This would involve continuing studies during that period which could contribute to a more knowledgeable decision when the time comes.

Thus, Mr. Speaker, I am in the position where I feel some items such as legislation against wire tapping, the abolition of corporal punishment, reform of the bail system and other matters are not included in this legislation, although the Minister of Justice (Mr. Turner) has indicated that some further amendments are forthcoming. I feel most of the bill represents a step forward in criminal law. However, there is one major item with which I do not agree, and that is the amendment with respect to abortion. The opportunity, however, is available for all members of this house to decide on this one particular provision. Since most of the bill represents a step forward in criminal law, and since it has been acknowledged that in practice the new abortion section is not likely, as it is worded, to result in extension of the practice, I feel I should support the bill but will oppose the section on abortion when an opportunity is presented.

• (9:00 p.m.)

**Hon. Hugh John Flemming (Carleton-Charlotte):** Mr. Speaker, my remarks will be brief because I rise for the purpose of protesting the action of the government in bringing to this house Bill No. C-150 in its present form and giving us no alternative but to vote either for or against a package which deals with many varieties of situations. This package is given to the members of the house to swallow as if it were a pill. I find some of the contents of the package are acceptable, but they probably make up the sugar coating of the bill and are probably intended so to be. I am convinced, however, that inside the sugar coating there are some ingredients which may be properly classified as poison so far as the general public good is concerned. For that