

Criminal Code

[English]

Mr. Speaker: Order, please.

[Translation]

Mr. André Fortin (Lotbinière): Mr. Speaker, I do not think parliament is becoming a laughing stock, but that could happen if we ever have too many incompetent or irresponsible members, such as the hon. member for Matane (Mr. De Bané).

Mr. Speaker: I would ask the hon. member to think before he speaks. In my opinion, the hon. member has no right to use the kind of words he just said. I suggest to him to use discretion in the choice of his words, and above all to keep his remarks to the motion now before us.

Mr. Fortin: Mr. Speaker, that is just what I intend to do, and I thank you kindly for your relevant remarks. However, it would be easier for us to keep to our remarks if we were not interrupted all the time.

It should be noted, first of all, that the bill now before us would authorize abortion when the life or the health of a woman is endangered, whether this can be determined with certainty or not. This excludes abortions on any other grounds, such as refusal of motherhood or misunderstandings with the husband.

That is why the government proposes the establishment of a therapeutic abortion committee whose duties would be to determine such questions and issue a certificate to authorize an abortion.

What can one say about such a legislative proposal? We believe it is not enough to provide in the bill that there will be in each institution a therapeutic abortion committee whose function will be to decide when abortions should be authorized.

We think that this mere fact is not sufficient to ensure a greater guarantee, more security to the patient, to the doctor who will perform the abortion and to the government legislators who will pass this legislation.

In our opinion, it is definitely not enough to require a majority vote within the committee, for the sole purpose of authorizing the abortion, in view of the many doubts and the numerous cases which may occur from one patient to another.

Therefore, we think that the amendment moved by the hon. member for Beauce (Mr. Rodrigue) is acceptable and desirable, for all the reasons I stated briefly yesterday.

I would like to take a few minutes to explain the reasons why we believe the deci-

[Mr. De Bané.]

sion of the committee should be unanimous for every abortion, rather than taken by a majority.

As I said yesterday, there are a great many academic discussions among doctors, which indicates that opinions are divided and that the same yard-stick cannot be applied to everyone when considering the various cases.

We have heard last night about all kinds of cases: the unmarried mother, the married woman pregnant with an adulterine child, the woman taken unaware by a pregnancy, the female worker who wants to get rid of the child to pursue her work unimpeded, the society woman, the artist, who would consider giving birth as a catastrophe, the woman who suddenly panics and becomes neurotic.

Those are some cases that I chose, among others, to demonstrate what problems the therapeutic abortion committee will have to face and also that very likely the members of the committee, for similar reasons, may be unable to arrive at a unanimous consent.

● (3:40 p.m.)

Mr. Speaker, the advantage is that the grounds on which a woman requests an abortion may not always be acceptable and it might be difficult in many cases to establish whether or not her life or her health is really endangered.

Consequently, we want a unanimous decision, so that if a woman falling under the categories I have just mentioned applied for an abortion to the therapeutic abortion committee, of course, two doctors might say: We are prepared to allow an abortion and issue a certificate. However, the other doctor who, in accordance with his code of professional ethics, his conscience and his knowledge, has more misgivings than the two other, might discover that the applicant is an unwed mother, that she rejects motherhood, and that abortion would not solve her problem but rather aggravate it.

Consequently, that physician would be justified in objecting and his refusal could convince the other two not to deliver a certificate authorizing abortion, so that they could then consider the case of that woman and help her otherwise and better than by procuring her abortion.

Mr. Speaker, I am pleased to see in today's issue of *Le Droit* an article on abortion by Dr. Noel Walsh which is entitled: "A psychiatrist's opinion"

This psychiatrist backs us up fully, Mr. Speaker, when we say that physicians are far