

*Criminal Code*

One of the main cases in connection with wiretapping involved this principle. The police in Toronto had a search warrant and went into a house to make a legal search. While they were there they installed a listening device. They listened in on conversations which took place in that house during a period of 24 hours and they illegally obtained evidence which they used to charge and convict an individual. The judges were disturbed but they ruled that even though the evidence had been obtained illegally it was proper to use it in the courts in order to convict that man.

The United States Supreme Court has very clearly ruled that evidence obtained illegally cannot be used to prosecute a person in court. I suggest that kind of a clause ought to be included in this omnibus bill. Such proposal was made by the present Prime Minister when he was the minister of justice, and it ought to be in this bill.

Following a federal-provincial conference at which there was no agreement that we should proceed with a constitutional amendment, the Prime Minister was asked whether he would consider carrying out those things he had enunciated by amending the Criminal Code. He said he would prefer not to because it would be much better to put them into the constitution. I agree with that, but it may be another ten, fifteen or twenty years before the provinces will agree to a Charter of Human Rights. I suggest that the time to do something is now. Let me commend to the Minister of Justice that slogan used so effectively for so many years by the national employment service in respect of winter works. Every winter we saw on billboards across the country the message, "Why wait till spring, do it now".

In introducing this bill the other day, the Minister of Justice said that at some later date he would be prepared to bring in a bill to implement some of the things to which I have referred. There is no reason for waiting. The matters I have raised have been discussed for a long time in legal circles, in parliaments and in legislatures. There is no reason for delaying; we ought to do this now.

In the few minutes left to me today, I should like to deal briefly with one or two very controversial matters supposedly dealt with in this bill, and about which there has been a good deal of discussion both inside and outside this house. I am sure there will be a lot more discussion as this debate continues about abortion and homosexuality.

[Mr. Orlikow.]

It is not my desire today or at any other time to question the rights of those people who disagree with the provisions of this bill or with me when I say I do not think it goes far enough, I think they have every right, as does every Canadian, to reject the proposals of this bill on the basis of religion, morals or codes of ethics. Every Canadian should have the right to make up his mind on these questions and base his judgment on conscience. I respect anyone for doing so.

It seems to me that the present proposal on abortion will do very little. I wish the hon. member for Hull (Mr. Isabelle) were here because I should like to pose a practical question which in all likelihood can only be answered by a doctor. The figures I have seen concerning the number of illegal abortions performed in Canada each year are fantastic. They vary from a low of 75,000 to a high of 300,000 per year. I do not suppose anybody knows the actual number, but it is certainly large.

Let us suppose a young girl of 15 or 16 found herself pregnant. Let us suppose also that this part of the bill is made law. If that girl went to one, two or three doctors, whatever the law requires, and said that she was pregnant, that she would have to stay at home or meet the scorn of her schoolmates and the community which would have an adverse effect upon her health, do you really think that the one, two or three doctors would feel they had the authority under this law to approve the legal abortion? I do not think so. Will a married woman of 43 or 45 who has two or three children in their upper teens and suddenly finds she is pregnant, who feels that she really is not physically or psychologically equipped at that age to have another child, be able to get a doctor or two doctors, on the basis of the danger to her health physically or mentally, to approve a legal abortion? I doubt it.

● (4:30 p.m.)

It seems to me, therefore, that much of the debate we are having in this chamber on the question of abortion is to a large extent theoretical and irrelevant. A large number of abortions have been performed legally every year for many years, as other members of parliament have said, by very well qualified doctors, in the best hospitals in every city in Canada. These will continue. There have also been thousands of illegal abortions. I believe that this provision which, if we pass it will become the law, will not change the actual situation one iota.