

Criminal Code

peril or risk. In the opinion of the law officers of the Crown the meaning of the word "endanger" is every bit as clear and significant as is the meaning of the words "seriously and directly impair". It appears to us that the elements of seriousness, directness and impairment are all present when a person's health is said to be in danger. The word "danger" in itself implies the existence of direct peril or risk.

● (9:00 p.m.)

I submit to the house that everything sought by the hon. member for Notre-Dame-de-Grâce in this amendment is covered by the words in the bill. As the hon. member for Grenville-Carleton put it, the more adverbs we put in to qualify the verb, the more confused becomes the language of the bill. The more confused the language of the bill, the more difficult it is for members of the medical profession to assess the situation within which they are to discharge their responsibility.

It is our submission that it is far more difficult for a doctor or a medical committee to attempt to evaluate the significance of the words "directly and seriously impaired" than it is for them to evaluate in medical terms what the word "endanger" means.

I suggest to the house that the sense of immediacy sought by the hon. member is there, that the sense of peril is there and that the sense of risk is there. If we compare the words "endanger" and "impair" the word "endanger" does far more to further the intent of the hon. member for Notre-Dame-de-Grâce than does the word "impair". It casts into far sharper relief the directness of the risk that is meant within the terms of the bill. To introduce qualifying adverbs makes it far more difficult for members of the medical profession to discharge the responsibility that is cast upon it within the terms of the bill.

I have the greatest respect for the work the members of an earlier parliament did in the Standing Committee on Health and Welfare. I know the number of meetings that were held. I know the number of witnesses that were interviewed and I know the turmoil in terms of private conscience that the members went through. But I also know that the words that finally evolved from that committee's deliberations were a—

Mr. Knowles (Winnipeg North Centre): They were a compromise.

[Mr. Turner (Ottawa-Carleton).]

Mr. Turner (Ottawa-Carleton):—were an intensive compromise. The words "seriously and directly impair" did not represent the unanimous view of that committee in the parliament which preceded this parliament.

The votes were not recorded, but from my own private research and conversations with members who sat on that committee I know that the vote was either 10 to 8, or 9 to 6, or 10 to 6, depending on with whom one talked. So that the value of that committee report in terms of its weight and influence upon this parliament should be limited by the controversy and division among the members of that particular committee.

On the other hand, the words that are found in clause 18 of the bill are the original words that were contained in Bill C-195, tabled in this House of Commons on December 21, 1967 by the then Minister of Justice, the present Prime Minister of Canada (Mr. Trudeau). They were available to the scrutiny of that former parliament and to the people of Canada. They were debated in public across this country for over a year and a half. Their meaning is quite clear, and it is embedded in the understanding of the people of Canada.

Weighing those words, which contain the very clear verb "endanger", against the words proposed by the hon. member for Notre-Dame-de-Grâce, which are qualified by two adverbs and supported by a divided committee of the earlier House of Commons, the conclusion of the government can only favour the present wording of the bill, especially in view of the fact that the former bill and this bill have survived public scrutiny. In this regard, representations have been made to me as Minister of Justice from every quarter of the country. My door has been open to these representations and so has my telephone. Petitions on both sides of this delicate issue have been received. The words in the bill to which I refer are clear to the people of Canada and they deserve the support of this house.

In addition, I believe that what the hon. member for Notre-Dame-de-Grâce seeks to achieve in terms of imprinting upon the minds of the people of the country—upon the women of the country, if you will—and upon the medical profession in the country, that there ought to be a direct or serious risk or peril to the life or health of the mother, is adequately and more precisely met by the word "endanger" than it is by the word "impair", qualified as it is in the amendment by the adverbs "seriously" and "directly".