



Abortion Rights
Coalition of Canada

Coalition pour le droit à
l'avortement au Canada

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Position Paper # 51

Free Votes, Private Members' Bills, and Abortion

In Canada, there are two ways to enact legislation. The majority of legislation originates in the Cabinet, a body of elected Members of Parliament, chosen by the Prime Minister, mainly drawn from the governing party. The proposed legislation is referred to as a “Government Bill”. Customarily, members of the governing party support bills enacted by their party. On some issues, MPs are allowed to vote according to their conscience—these “free votes” often occur in relation to “moral” issues. Another way to enact legislation is through the introduction of a “private member’s bill,” which is a bill introduced in the House of Commons by a MP who is not a Cabinet Minister. A private member’s bill follows the same legislative process as a government bill, and hundreds are introduced each year, but very few of them are enacted since they have been tabled without prior Cabinet support. However, in a recent Parliament (37th, 2nd Session), four private members' bills received royal assent, and several others were passed by the House of Commons.

During Canada’s 2004 federal election campaign, Conservative Party leader Stephen Harper waded into a discussion of a possible free vote on the abortion issue. He repeatedly stated that if elected, his government would not table abortion legislation and would not hold a referendum on abortion. Yet, he was careful to specify that abortion legislation would not be tabled in his government’s *first* term. Moreover, Harper said that he would allow free votes in Parliament on abortion-related private member bills. His position should concern pro-choice Canadians since 70% of Conservative MPs are anti-choice.

The Conservative Party leader said also that his vote on any private member’s bill to restrict abortion “would depend on the specifics of the legislation.” When pressed on the issue of how he would respond if one of his MPs tabled a private members’ bill to cut funding for abortion, Harper said, “I would oppose that. I think healthcare money should go to the provinces for them to decide how to run a healthcare system.” Harper’s insistence on free votes was likely intended to pacify the anti-abortion movement, many of whom are supporters of the Conservative Party. After all, party leaders can require their MPs to vote along party lines, not according to their own conscience, even on moral issues. However, unobstructed access to abortion is a constitutional right for women, so allowing MP’s a free vote according to their conscience really amounts to removing the “right to choose” from women and giving it to legislators instead.

Because of the minority government status of the current Liberal Party administration, the Conservatives enjoy an increased profile in Parliament. As such, Canadians may see private members' bills on abortion being introduced more frequently than would occur in a majority government situation where the governing party can more effectively dismiss private members' bills. Between 2003 and 2005, seven anti-choice private member bills were introduced by Conservative MPs, most of them by Saskatchewan MP Garry Breitkreuz. As well, since the majority of Conservative MPs are anti-choice, it is unlikely they would have kept their leader's promise not to introduce anti-choice legislation had their party won the last election. As the current government is in a minority situation, and another election will be held within the next year, ARCC urges greater clarity on the positions and intentions of the Conservative Party.