

7 Morgentaler v. New Brunswick (A.G.) {1995, NBCA}:

In this case, the litigious Morgentaler challenged a New Brunswick law that provided a severe penalty (licence suspension) for any doctor who procured an abortion outside of a hospital. In light of the Supreme Court's 1993 ruling, a majority of the New Brunswick Court of Appeal had no difficulty finding that this attempt to prohibit clinic abortions on threat of penal sanction was essentially an attempt to pass criminal law, something only Parliament can do. The majority decision did not address the issue of abortion funding.

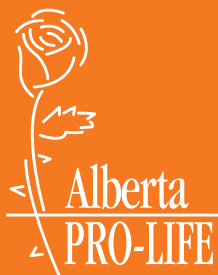
8 PEI (Minister of Health) v. Morgentaler {1996, PEICA}:

The PEI Court of Appeal held that PEI's Health Services Payment Act permits the making of a regulation that insures only those abortions done in hospitals and considered by PEI Health to be medically necessary. The Act expressly enables PEI Health to determine (a) what health services are medically required and (b) under what conditions and within what limitations health services shall be insured. The majority (including PEI's Chief Justice) ruled that PEI Health's abortion regulation is precisely within that broad scope of authority. The decision tends to confirm the ability of provincial governments to decide which (if any) abortions are medically necessary, and which (if any) abortions shall be covered by public health care insurance.

To conclude, as Alberta Justice is well aware, the applicable case law divulges no legal impediments whatsoever to a decision by Alberta Health to de-insure the 98% of abortions that are elective and medically unnecessary (done for socio-economic reasons or as a means of birth control), or indeed, to de-insure all induced abortion services. In short, the jurisprudence appears clear that the courts cannot force the Alberta government to tax-fund abortion services.

Respectfully submitted,

McCOURT LAW OFFICES
Edmonton, Alberta
Per: K. MARK McCOURT
November 2001



For additional information
contact Alberta Pro-Life

@ 780-421-7747 or email us
apl@albertaprolife.com

DE-INSURING ABORTION

C A S E

S U M M A R I E S

In assessing the Alberta government's legal ability to de-insure abortion services, it is important to consider the impact, if any, of judicial decisions regarding the matter of abortion.

What follows, in chronological order,
is a summary of these rulings...