

Criminal Code

rights of another individual. Attempted suicide is the only one in the Criminal Code.

Mr. Lambert (Edmonton West): Narcotics.

Mr. Murphy: That question was raised as well. A comparison was drawn with marijuana. I do not know why the hon. member did not go on and mention heroin and some of the other narcotics. The history of their use would indicate that a person addicted to narcotics is more likely to go out and harm or damage other people.

Mr. Lambert (Edmonton West): What about a homosexual?

Mr. Murphy: A homosexual doing so under this act is guilty of a crime and the amendment does not change that. Anyone who molests youngsters or commits an act in public will continue to be a criminal despite the present amendment. All this amendment would do—and with all due respect to the minister I do not go along with him—would be to legalize I think an act between consenting adults in private and between husband and wife in private. There is no reason that such an act should have been illegal in the first instance.

Mr. Asselin: What about adults 19 years of age?

Mr. Murphy: I did not hear that.

Mr. Asselin: What about adults 18 or 19 years of age?

[*Translation*]

The Acting Speaker (Mr. Béchard): Order. The hon. member is not sitting in his place.

[*English*]

Mr. Murphy: Much has been made of the fact that an age limit has been prescribed here. Surely all members know age limits must be prescribed in much of this type of legislation.

Some hon. Members: Why?

Mr. Murphy: I will put it this way. If a man has sexual intercourse with a girl who consents there is no crime if she is 16 years of age. If she is 15 years, 11 months and 29 days it is a crime.

Mr. Lewis: Twenty-seven days if the month happens to be February.

Mr. Murphy: I accept that. A person who takes a drink one day short of his 21st birthday is guilty of a crime and on his 21st birthday that same act is not a crime. A person who is one day away from being 21 years of age cannot vote under our present law.

Some hon. Members: Why?

Mr. Murphy: The next day he is eligible to vote. The history of our law shows there are a whole series of exemptions. Age limits have been imposed for common-sense reasons. If you want to bring the age limit down to 20 why stop there? Why not make it 16 or 10? There are obvious reasons. I do not think it takes a great deal of thought to figure them out.

I have risen on this occasion to indicate that I am not afraid to stand up, as has been indicated by some members, and to indicate that other backbenchers on this side of the house are not afraid to stand up and enter this debate. I shall oppose the amendment.

● (4:10 p.m.)

Mr. John Gilbert (Broadview): Mr. Speaker, I also am opposed to the amendment moved by the hon. member for Sainte-Marie (Mr. Valade), because new section 149A, which is the substance of clause 7, removes from the criminal law sexual acts done in private between two consenting adults over the age of 21. This is the substance of the new provision. This does not mean that the Minister of Justice (Mr. Turner), the government or any person within parliament is giving moral condonation to the act of homosexuality. The minister, like many others, feels that this act is repugnant or distasteful. This is the very reason why I commend the Minister of Justice for his wisdom and courage in bringing forward this amendment to the Criminal Code. I would like to welcome some of the members of the Progressive Conservative party in the 20th century, but I find they have hang-ups arising from their puritanical narrowness and find it difficult to come into this century.

It is obvious that the problem of homosexuality is a very difficult one. The hon. member for Brandon-Souris (Mr. Dinsdale), because of what he said, made me realize that he had not read the Wolfenden report or the speech of the Archbishop of Canterbury in the House of Lords. He has not read too much on the subject, yet he adopts a moralistic tone which makes it rather difficult to accept his arguments.