

Criminal Code

[Translation]

Mr. Valade: Mr. Speaker, in connection with the question of privilege raised by my hon. friend whom, besides, I got to know very well during the sittings of the committee and for whom I have much consideration, I must tell him that my previous remarks about the instructions received from the government cannot be ascribed to me but to one of his colleagues, the Liberal member for York East.

I think that the hon. member should raise instead the question of privilege about his colleague, the Liberal member for York East, who made that comment himself in a letter which he is supposed to have sent—

Mr. Corbin: I rise on a question of privilege, Mr. Speaker—

[English]

Mr. Deputy Speaker: I recognize the hon. member on a point of privilege. I may point out that if the matter raised by the hon. member for New Westminster (Mr. Hogarth) did not constitute a question of privilege then, if the question the hon. member now wishes to raise, is the same, it cannot constitute a question of privilege. Unfortunately, having just come to the Chair I am in no position to pass judgment on the original point of order of the Parliamentary Secretary. I will however, hear the hon. member on a question of privilege.

[Translation]

Mr. Corbin: Mr. Speaker, the hon. member opposite says that the hon. member for York East is reported to have been instructed to vote as he was told in the committee. He tried afterwards to generalize by stating that all members, at least government members, were complying with those instructions. I deny such a remark, because when I vote in the house or in committee, I do it on my own without following any instruction.

Mr. Valade: I thank the hon. member for telling his colleague that he is wrong. As for me, I only read the letter which the hon. member for York East sent to his electors.

I will now return, Mr. Speaker, to the substance of the amendment which I moved and the purpose of which is to strike out clause 7 of the omnibus bill C-150, as introduced in the house.

Mr. Speaker, the reason for which I presented that motion is that the government bill is inconsistent.

[Mr. Hogarth.]

First, the bill provides for the legalization of an act committed in private between two consenting persons of 21 years of age or more. It is added that when more than two persons commit an act of homosexuality, in private, they will come within the provisions of the law.

That is one of the obvious inconsistencies of the bill. The member for Trois-Rivières (Mr. Mongrain) accused us of being intolerant and strict, but the minister of Justice says that two persons who commit an act of homosexuality in private are not subject to the provisions of the law, and are not considered as criminals. However, if four homosexuals, in the same room, indulge in their passion, they will all be considered as criminals. That is where the law is illogical.

If the government really wanted to be consistent, could it not take the time to draw up a much more coherent piece of legislation? Consequently, I ask the hon. member for Trois-Rivières and the Minister of Justice why persons of 21 years of age and more, who commit homosexual acts in private cannot be regarded as criminals, while four persons known as homosexuals, holding membership cards in homosexual clubs, are?

Is that the intolerance we are accused of by the Liberal government? Is the government not hiding behind a law that I find absolutely hypocritical, Mr. Speaker, because, on the one hand, they claim to be liberal, to seek to create a new spirit and to give a new direction to homosexuals in Canada, and on the other, they consider as criminals four homosexuals present in the same room.

● (8:20 p.m.)

If the argument were to be carried to the limit, one should perhaps say—I see the minister smiling—that if one murder is committed it is legal, while if two are committed it is illegal; by the same token, if a young man smokes one marijuana cigarette it is legal, while if he smokes two it is illegal. It is the same kind of logic. That is the basis of the reasoning which the minister offers us.

I think that there is another thing which is still more illogical, inconsistent and utterly ridiculous. In this bill, the minister tells us a sexual act between man and woman, husband and wife in private is not considered a criminal act. Could one call a criminal the act committed in private by husband and wife? Is there anything more absurd, Mr. Speaker, than that list and that definition which the minister proposes in the bill before us?