

*Criminal Code*

right now. Here is what a professor of the Faculty of Law of the University of Toronto had to say about homosexuality when he claimed that the government had legalized bestiality in certain circumstances:

There is only one point I would like to raise, and it is a legal point. It is factually impossible for two consenting adults to commit bestiality and clause 7 purports to say that Section 147—that is, everyone who commits bestiality—does not apply to any act committed in private between a husband and wife or any two persons. I am not quite sure what that means but in my opinion, Mr. Chairman, it does not mean anything. As it stands I think it would mean that if one person committed a sexual act with his dog he would be guilty of an indictable offence and liable to imprisonment for 14 years. If two people did it they would not be guilty of any offence.

When we brought that forward Liberal members said we misunderstood it. Only one word needed to be changed in section 147 of the Code to achieve the same result as proposed in the long amendments submitted by the minister. That word was “unlawful”.

Section 209 of the Criminal Code dealing with the killing of an unborn child, says:

Every one who causes the death of a child that has not become a human being, in such manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and is liable to imprisonment for life.

There was a saving section in the Criminal Code to protect a doctor who killed an unborn child in order to save the life of a mother. The minister says that that section would not apply to abortions. I say to hon. members that they should go back and read the Criminal Code. I ask hon. members to read section 209. I say that if the words “act of birth” were removed from the Code and the word “unlawful” inserted the result would be the same as proposed by the minister, except that he proposes the setting up of a committee of doctors.

● (4:10 p.m.)

Most communities do not have enough doctors to form such a committee. In any event this is a lot of nonsense, but that is what is proposed. Every accredited hospital, and most of them are, has set up a committee of doctors to analyse every operation. When such a committee finds that a doctor is taking out too many appendixes the members want to know what is taking place. So every doctor's operations are controlled by a committee in that way. To suggest that a great change is being made now in the field of abortion is complete hogwash, and even the minister must blush inwardly. This is not a great bill of reform.

Pregnant young girls who think they can go to a doctor and get an abortion will find this not to be the case as a result of this law, although that is the impression they may have as a result of what they have read about it. They will first have to prove that if they have the baby it will or is likely to kill them, or that something will happen to their health. We all know that in the world today the mortality rate in respect of pregnancy is dropping lower and lower.

To illustrate what I have said in this regard, let me refer to a case I learned of today which occurred in a city in Ontario. A young girl was charged with attempting to abort herself rather than tell her parents she was pregnant. She will not be any better off after the passage of this bill than she was before so far as obtaining an abortion from a doctor is concerned. She has been charged and she would be charged when this measure comes into effect.

There are one or two other things I should like to mention before I sit down of which I am sure the Canadian public is not aware and which have not been discussed to a great extent in the house. The first is the matter of drinking and driving. I have gone along with the proposal in the bill because one has the feeling that drinking and driving are related to population growth and an increase in the number and use of automobiles. But I wonder whether the Canadian people realize that when this bill passes there will be three offences.

It has been my experience personally and the experience of my clients that when a police officer stops an automobile he always has reasonable grounds for doing so. As a result of this measure the police officer will ask the individual to take a breathalyzer test by blowing into a bag. If the individual says he does not intend to blow into the bag, that he is driving all right and everything is fine, and he does not blow into the bag, he will be guilty of an offence.

It is my opinion and the opinion of a number of my friends that there are many people who drive with .08 per cent alcohol in their blood. I suggest that not many people leaving a cocktail party would have less. It would be interesting to stop every car coming and going tonight to determine how many drivers would be guilty of this offence. I suggest we do not have enough jails to hold them all. In any event, if you do not take the test and do not blow into the little old bag, that is prima facie evidence against you in respect of an