

Criminal Code

very proud that we have a Minister of Justice who is attempting to update the criminal law of this country in light of the experience we have had in the past and that he is doing so in a spirit of reformation and rehabilitation with regard to offenders against that law. I think we are most fortunate to have such a Minister of Justice at this time.

Mr. F. J. Bigg (Pembina): Mr. Speaker, I wish to say a few words on this bill because of my previous experience as a law enforcement officer. I should like to compliment the minister on bringing forward the bill. However, I am a little disappointed in that I believe he should not have brought in any suggestion of partisanship. I compliment the minister on the bill which is entirely concerned with the reform of the Criminal Code. I am sure that every hon. member has just as much interest in it, if not the detailed knowledge and experience in the drafting of laws of the minister and the fine group of civil servants behind him.

I am not an academic. My work involved field experience, and we tried to use common sense. So I am a little worried about the effect on the general public which this amendment may have. We all appear to agree that homosexuality is repugnant to the average Canadian, regardless of what Kinsey says about it or what is done in Sweden or in England or in the House of Lords or in the Arabian army or anywhere else. As far as I can see, the same need does not arise in Canada with its fresh air and wide open spaces. We do not live in crowded quarters, nor do we live in the desert far away from our families. We do not even have problems of great wealth which necessitate love-ins, nor are we jaded. We live a normal, outdoor life. This is why the Canadian people, up to now at least, have found no need to loosen their moral standards.

I do not go into the political pow-wows of the nation any more than I intend the police to go into the bedrooms of the nation to find some deep and dark reasons for dragging forth this subject. As a policeman I never had any need to prosecute consenting adults because of their ideas of what is proper in the sexual act. Therefore this is an academic problem, and I do not think I am making an evil suggestion when I say that probably it has only been included in the Criminal Code as a measure to try to tidy up a loose end along with some other important and necessary changes to the Criminal Code.

[Mr. Gilbert.]

This subject makes good copy because it has a bad smell and people want to get into the act. I can assure the house that at this stage of our development in Canada it is not a proper function of the police, nor do I hope it will be in the future. It is not important statistically. I do not think that this amendment or any other change to this part of the Criminal Code will do anything to improve the situation. I am sorry that this sort of thing goes on; I am sorry that human nature has its soft and weak side. However, I hope that if this change is made in the law we will let it go by as quietly as possible.

● (4:30 p.m.)

I hope we shall not in any way, either by calling names in the house or anywhere else, allow anybody in Canada to think that anyone in this chamber condones homosexuality in any of its aspects. I do not know whether we can help the 4 per cent or the 10 per cent or the 30 per cent who have come into contact with it at some point during their adolescence, or by misadventure.

It is up to us, generally speaking, to decide what shall be a criminal act and what shall not. Strictly speaking it is up to us to decide what is a private act and what is a public act, because there is a penumbra, an area where private acts could become dangerous to the public. It is up to us to decide. I do not think we can dispose of the problem merely by saying that what goes on in the bedroom is nobody's business outside the bedroom. Of course it could be.

As a former law enforcement officer I can state that there are certain things which go on which have to be investigated. I do not suggest we should put listening devices in every room. But there are cases in which people with well known aberrations and evil tendencies are allowed a first bite, like a mad dog. In the city of Winnipeg at one time a small boy was murdered in a coal yard. The police had every reason to believe they were looking for a sexual offender. The city police in Winnipeg told me at that time—I was involved in the search—that they had information about 300 known persons who might have been involved. In spite of the fact that it is not desirable to have people prying into the private lives of others, police forces must be alert to such problems. The police must not be so naïve as to believe that everybody is nice, that everybody is lovable, and that nobody would perform indecent acts or commit assaults on those who are young or defenceless or beyond reach of help. The