

Criminal Code

values to which I have referred. For this reason I support it. May I add that I would not favour absolutely unlimited abortion as was proposed, I believe, by the hon. member for Winnipeg North (Mr. Orlikow). I believe this might encourage the act of abortion as a simple birth control technique. This would ignore entirely the value represented by the life which exists from conception.

Under the bill complex and expensive machinery is set up for the determination of cases in which abortion is to be permitted. There are no estimates of what it would cost an applicant to obtain permission for an abortion, but in California, for example, where there is a simple similar procedure, apart from the cost of the operation itself it costs between \$600 and \$800 to take advantage of the procedure to obtain permission. In order not to discriminate between the rich and poor I would hope that the terms of medicare might be enlarged to cover the cost of this examination. It will, of course, cover the cost of any abortion which may be authorized.

● (4:40 p.m.)

The other provision of the bill which touches upon morality and about which I should like to speak for a moment is the amendment dealing with gross indecency. There are few Canadians who would believe that laws exist governing voluntary private sexual conduct between a husband and wife or between unmarried couples of the opposite sex. Fewer still would believe that there have been convictions under this section as recently as 1966. Surely conduct, given this context, is a matter of taste and not of morality, and any element of gross indecency is entirely in the eye of the beholder.

I should like to turn briefly to the question of homosexuality. This is a form of sexual perversion which arouses a sense of horror in most normal people. But many Canadians feel an equal sense of horror about the present treatment of homosexuals in this country. For example, our government has been holding in prison under an indeterminate or life sentence, confirmed by the Supreme Court of Canada, one Everett George Klippert, who was a resident of the Northwest territories. Mr. Klippert's only crime or criminal conduct was the commission of homosexual acts in private by consent and without violence with male adults. For this he may spend the rest of his life in prison. Some Canadians believe that Mr. Klippert will spend eternity in hell.

That may well be, but that is not the concern of this house.

We are here to define crimes and in connection with homosexual acts we should bear several important factors in mind: that sexual preference is not a matter of free choice but rather the result of complex factors relating to a person's background and upbringing, none of them a matter of choice to the individual; that in many cases redirection of a person's sexual preference is possible, and that in any event the problem does not threaten our social order and should be taken away from judges and jailers and given to doctors and psychologists. Jail is not an acceptable solution to the serious problem of homosexuality. For these reasons I support the proposed amendment or the introduction of section 149A.

I should like to observe in conclusion that Bill C-150, which is a very substantial document making hundreds of changes in the law, does not of itself complete the job of making our criminal law truly just. Congratulations are in order to the Minister of Justice (Mr. Turner) and the Prime Minister (Mr. Trudeau) for the advance which this bill represents, but I hope that we may shortly have another bill, equally considered and perhaps equally weighty, providing many other things for humane treatment of drug addicts, a realistic law condemning the use of marijuana, further reductions in the use of penitentiary sentences as punishment, the abolishment of jailer's rights to torture persons by whipping and clear laws preventing cruelty to laboratory animals under any circumstances.

Mr. Barry Mather (Surrey): Mr. Speaker, I am sure that not often in the House of Commons does an opposition member rise to speak entirely in support of a government proposal. However, I can hardly avoid doing so today for reasons I hope to explain very quickly. I intend to refer to three of the government's proposals to amend the Criminal Code. I have in mind those relating to harassing telephone calls, cruelty to animals, and particularly the government's proposals regarding drinking and driving and the breathalyzer test. Inasmuch as each of these proposals has been advanced for several years by myself, hon. members will see that it is very difficult for me to do otherwise today than support the government which is now bringing them forward, and to urge all hon. members to do likewise.