

*Criminal Code*

**Mr. Woolliams:** May I just ask a question for clarification, Mr. Speaker. As I said yesterday—and I hope I was fair in my argument—the law is subject to interpretation. In this particular argument I have to ask the minister's opinion of the law as he sees it. May I just review section 147 of the code; I read it yesterday and it deals with buggery and bestiality. Section 147 reads:

Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment—

Is it possible for two persons over 21 years of age, engaging in this sort of pantomime in private, to be found guilty of bestiality—under proper circumstances, of course, as the minister can appreciate, being a lawyer?

• (3:30 p.m.)

**Mr. Turner (Ottawa-Carleton):** As I said, Mr. Speaker, we are unable to agree with the hon. member's contention that the factual situation as he described it would be applicable here.

**Mr. Woolliams:** My argument is simple. Does the minister mean that if two people are together and they have an animal with them and one of them commits an act of bestiality with that animal, one of them would not be guilty of contravening the Criminal Code? Would not both be found guilty of bestiality?

**Mr. Turner (Ottawa-Carleton):** What you are worried about—I speak through you, Mr. Speaker—does not amount to anything.

**Some hon. Members:** Oh, oh.

**Mr. Turner (Ottawa-Carleton):** I submit the hon. member is concerned about a situation which really tortures the wording of this amendment. The amendment would in no way exempt the type of conduct he describes.

**Mr. Valade:** Mr. Speaker, on previous occasions I have asked the minister certain questions. Would he be good enough to reply to them now? The minister stated that homosexuality ought not to be considered from the legal aspect but from the psychological or medical aspect. On what argument does he base that contention? What specialized or expert opinions does he draw on when he says that homosexuality ought to be considered a medical or psychological problem?

**Mr. Turner (Ottawa-Carleton):** That was accessory to my main argument. We believe that this type of conduct cannot be cured by using the criminal law and that it is either a

[Mr. Turner (Ottawa-Carleton).]

question for private morality or for physical treatment. It must be cured either by emotional or psychiatric treatment and is beyond the purview of the criminal law. That was my argument.

**Mr. Nowlan:** Mr. Speaker, will the minister permit a question? I agree with him as to the way this type of conduct ought to be cured. He suggested that the arguments of my leader constituted sophistry and I submit that the minister's arguments are forms of sophistry. Frankly, I cannot follow them. I do not understand his argument when he says that the introduction of clause 7 will not make homosexuality legal. As I understand the law it is that without clause 7 acts of homosexuality would be illegal. By inference, therefore, it is fair to say that the minister is legalizing this conduct. This area of the bill, frankly, is the only one which really bothers me. When the minister tries to suggest that questions raised by hon. members with regard to this clause constitute sophistry, I say that the minister is not being quite fair. Surely with clause 7 homosexual acts in Canada will be legal.

**Mr. Turner (Ottawa-Carleton):** Mr. Speaker, what the clause purports to do is to render non-criminal homosexual acts between consenting adults in private. That is a far cry from the positive term "legalized". In other words, it is a far cry from saying such conduct is legalized.

**Hon. Robert L. Stanfield (Leader of the Opposition):** Mr. Speaker, I had no intention of participating in this debate but I must confess that the minister's latest comments have made me more confused than I was before.

**Some hon. Members:** Hear, hear.

**Mr. Stanfield:** Perhaps he did not mean to suggest that the change he is proposing constitutes approval of this conduct. But when he stands up in the house and says that the effect of the change will not be to legalize such conduct, I am afraid I cannot follow him. If this clause means anything surely it means that it will make legal what was formerly illegal. The minister's latest statements have only served to confuse me and I cannot accept his contention. I can understand him when he says that the criminal law possibly was ineffective in this area. But when he says that this sort of conduct involves purely a matter of private judgment, then I find that difficult to accept. Surely we recognize that