

Criminal Code

Needless to say, Mr. Speaker, that I approve the amendment moved by the hon. member for Sainte-Marie (Mr. Valade) and the hon. member for Abitibi (Mr. Laprise). I think that as the result of our few comments, the minister could with his legal advisers think that the arguments which we have put forward are logical and sensible enough and that perhaps he could this evening or tomorrow tell us that he is withdrawing clause 7 concerning the legalization of homosexuality.

Mr. Lambert (Edmonton West): In the first place, Mr. Speaker, I would like to say that I unreservedly support the comments of my colleague from Charlevoix (Mr. Asselin).

[*English*]

First of all, I should like to say I find it passing strange that these proposals with regard to sections 147 to 149 are put before this house on the basis that parliament has no business in the bedrooms of the nation; that it has no business entering the private lives of people to this extent. While there is no acceptance of the morality of such acts, presumably society does not have to be protected against them.

As my colleague has just said, the law exists for the protection of society. If you go through the Code from beginning to end, Mr. Speaker, every offence therein enumerated is made punishable for the protection of society. Each of the offences carries with it the connotation of a transgression of morality. Take, for example, the provisions dealing with theft. Is the minister saying that there is less morality involved in cases of theft than in cases of sexual aberration such as provided for in sections 147 to 149?

Why is there no provision in the bill to remove attempted suicide from the list of offences? If a person takes an overdose of sleeping pills or something in private, how does that affect any other person? There is no scandal involved; it is an act done in private. Yet society must be protected against such cases. In other words, this particular airy-fairy conduct is singled out.

Mr. Dinsdale: You have the right word there.

Mr. Lambert (Edmonton West): Yes, and we can apply a lot of other terms to it. Both of the practices dealt with here are repugnant to me, yet it seems to me we are giving them approval in that we are removing the sanc-

[Mr. Asselin.]

tion of law. I would like to ask the members of this house who are practising lawyers whether they have had any cases of bestiality.

• (5:00 p.m.)

Mr. Otto: How does that injure society?

Mr. Lambert (Edmonton West): I do not know why the minister insists that the exceptions here will not affect the act of bestiality. Yet an act of bestiality committed in private is still an offence. Will the pig squeal? Will the dog bark? One may ask, how will the public be scandalized? Yet, the act is deemed criminal. I agree with my colleague for Calgary North (Mr. Woolliams) that the way the exception is created means that two persons can participate in an act of bestiality and get off scotfree if they are over 21 years of age. That is what will happen according to the amendments proposed with regard to section 149 of the act. Frankly, I find it impossible to follow the thinking in this regard. I have searched my mind for any rationale as to why this was put in. If it is right to remove the legal sanction from acts of homosexuality between consenting adults, and I shall have something to say about the artificial division at the age of 21, and from certain acts as between husband and wife, why do we not remove a whole gamut of offences, including attempted suicide and other acts involving an individual only and no other human.

These acts still carry a moral sanction. Will anyone tell me why it is that if two persons aged 20 years and 11 months commit a certain act it shall be a crime but if they commit it one month later it shall not be a crime? To me, that is completely illogical. I ask the minister, since we are concerned with the protection of society, has he ever been involved at the high school level with incipient homosexuality? This is where it starts. This is the functioning of nature. You become aware of a ring of persons engaged in unnatural conduct. It may take place among girls, and I have known of that, or among boys. You tell them that not only is it morally wrong, but it is against the law. Morality is equated with law in the minds of those young people. But now they will come back and say, "Yes, but when we are 21 we can do it and it will no longer be immoral or illegal."

Mr. Woolliams: That's like the liquor laws.

Mr. Lambert (Edmonton West): Mr. Speaker, this house is being asked to amend the Criminal Code in this sense. What are we doing, Mr. Speaker? Are we basing our law