

Criminal Code

There has been a good deal of discussion about homosexuality. Maybe the very fact that we can discuss it openly is a sign that people in Canada are finally beginning to face up to the realities of life. We can think what we want about it. We can agree with the old fashioned people who say that it is unnatural, it is a perversion or whatever you want to call it; or we can take the view of the most permissive, the most understanding, modern psychiatrists. The fact is that, like it or not, homosexuality does exist.

Will the proposal in this bill really change anything? I am no expert, but I commend to the Minister of Justice a book which came out in the last week or so, "Sexual Deviations in the Criminal Law." This book was commissioned by the Clarke Institute of Psychiatry, probably the largest and most influential institute of its type in Canada. It was written by Alex K. Gigeroff. What does this book say? It says that a study of 60 prosecutions which took place in one year in Toronto, of people accused of homosexual acts, showed that 59 of those prosecutions would not have been affected at all by this change in the law. Why? Because all the offences were committed in public places, in parks and other places. I do not have to go into that. In fact, under the law as it stands now we have not been prosecuting people and finding them guilty of homosexual acts committed between adults in private. Therefore, I do not believe this change in the Criminal Code will really do very much. It may take away from those people who are homosexuals the fear they may be blackmailed. I cannot see any other effect that this change in the law will have. That is very important, certainly. But again I say that this clause of the omnibus bill, which has been greeted by so many people as being a really forward-looking piece of legislation which will change, if not the mores the attitude of the Canadian people to something that has been going on, I suppose since the dawn of time, really will not mean very much.

My time is almost up, Mr. Speaker. I want to finish by urging the government and the Minister of Justice not to take the attitude which I think they are going to take, namely, that this bill contains everything which this parliament and the Canadian people are willing and ready to accept. I say to the Minister of Justice that the people of Canada, perhaps not the police or the R.C.M.P., are prepared to accept a law which will prohibit or at least limit wire-tapping in this country. The magistrates may not like it.

I remember recently a Toronto magistrate complaining in court that it was three o'clock in the afternoon and he still had half of his cases to hear; that before the Ontario bar and the Ontario government provided legal aid he would have disposed of all his cases before lunch. He was complaining bitterly. I am not too worried about the magistrate. I think the people of Canada would welcome a section in the Criminal Code which would spell out the right of every citizen to have counsel.

I finish on this note, Mr. Speaker. I think the people of Canada are ready to be at least as progressive as the citizens of the United States, who have said to their Supreme Court that evidence obtained illegally cannot be used to prosecute and convict a person accused of having committed a crime. I commend these thoughts and principles to the Minister of Justice. I hope that before we have concluded this discussion he will bring in amendments implementing these three points which were promised by the Prime Minister when he was minister of justice. We have a right to at least expect that the Prime Minister will implement the promises which he made to the people of Canada.

Mr. Colin D. Gibson (Hamilton-Wentworth): Mr. Speaker, it is with pride that I rise to speak in support of the omnibus bill, a bill which represents the first major revision of the Criminal Code in many years. The remarks made by the previous speaker about eavesdropping and wire-tapping legislation are, I submit, really irrelevant in a discussion of this bill. I commend to that member the wisdom of the Minister of Justice who is treading extremely carefully, with caution and research, into this complicated and difficult problem.

This problem involves electronics; it does not merely involve rules of evidence. It requires the control of electronic equipment, something that should not be hastily thrown into a complicated bill such as this amending the Criminal Code. I commend the Minister of Justice for wisdom and sagacity in not acceding to a last-minute attempt to pile this question into a bill which will require considerable attention, in detail, in the justice committee of this house. Already we have many sections of a long, carefully studied, brilliantly thought out statute to consider at the committee stage.

It is my sincere belief that while the legislation referred to by the last speaker is desirable, it requires more careful consideration and deliberation among the attorneys general