

*Criminal Code*

**Mr. Valade:** Would the hon. member allow a question?

**Mr. Gilbert:** Certainly.

**Mr. Valade:** Could the hon. member tell us how the amendment with respect to abortion is going to get rid of backstreet butchery?

**Mr. Gilbert:** I appreciate the question of the hon. member and I would respectfully suggest that with this amendment we are developing a new atmosphere and new attitudes with regard to abortion. As I said, when a young woman is pregnant she will now be able to have the assistance of social workers, doctors and the clergy to help her think through the problem so that she can make the right decision. We have not gone as far as the law in England goes. We have not instilled confidence in our young people with regard to the pregnancy problem, but with the patience, understanding and encouragement of the hon. member who has just asked me this question I am sure we will attain maturity with regard to this problem.

• (4:20 p.m.)

With regard to the problem of homosexuality I have said, as have many Canadians including the Prime Minister, that it is necessary to get out of the bedrooms of the nation. Attitudes are changing with regard to homosexuality. In the past homosexuals were looked upon as lepers by society. People had almost the same attitude toward homosexuals that some of the early Christians had concerning lepers. Now people have an attitude of regret rather than revenge. When one reads the Wolfenden report one appreciates the understanding and compassion of the members of that committee in dealing with the problem. Experience has shown that very few first offenders charged with an offence involving homosexuality have been sent to prison. The report stated that only 30 per cent of first offenders in England were committed to prison. My experience in Canada in this field indicates that most first offenders have a fine imposed upon them. Many of them are placed on probation with a term attached to the probation that they attend a forensic clinic for treatment.

One of the recommendations of the Wolfenden report was that information should be obtained with regard to first offenders before a magistrate or judge imposes sentence. This is an excellent recommendation in view of some of the psychiatric and psychological problems first offenders have. One of the

[Mr. Gilbert.]

problems with which many Torontonians have been confronted in respect of homosexuality is the frequency with which homosexuals hang around public washrooms and lavatories. In fact, members of the morality squad in Toronto take up positions in washrooms. They bore a hole in the wall and by that method of detection have brought some homosexuals to court. This seems to me to be a rather nauseating approach to criminal detection. This is one reason I welcome the change. I think many members of the morality squad feel ill at ease when applying such detection methods.

**Mr. Woolliams:** You are not suggesting that this bill makes that permissive.

**Mr. Gilbert:** No, I am not.

**Mr. Woolliams:** Then why do you bring it up?

**Mr. Gilbert:** Mr. Speaker, I have just had an interjection from the hon. member for Calgary North. I believe he is saying this amendment will bring about no change in the method of detection. I remind the hon. member that there will be a new attitude and approach to this problem and that the same number as in the past will not be hanging around these places. There must be protection for young persons who use the public parks and public lavatories. It has been suggested in the Wolfenden report that municipalities pass bylaws to prevent loitering by homosexuals around public washrooms. The Wolfenden report also indicates that homosexuality is not a disease but that total reorientation from complete homosexuality to complete heterosexuality is very unlikely indeed. As part of the corrective treatment they indicate there should be, first, a change in the direction of sexual preference, second, a better adaptation to life in general and, third, greater continence or self-control. Those are some of the corrective methods suggested in the Wolfenden report. They also indicate there is a place for the psychiatrist, the clergyman, the social worker and the probation officer in helping to deal with this problem.

In respect of lotteries, personally I am opposed to lotteries being conducted in Canada, especially as a device to collect moneys to help finance our social programs, hospitals, medical care and education. When one hears about the experience of countries like Ireland which have had lotteries for many years one is tempted to think it is a tragedy that