

That is the test I would urge members to apply to this particular issue.

I should also like to mention specifically certain other amendments. I realize I will go a little longer than the permitted time.

Mr. Knowles (Winnipeg North Centre): You have unlimited time.

Mr. Turner (Ottawa-Carleton): Thank you for reminding me. There are 120 clauses and 126 pages in the bill. Even within the restricted scope to which I am now limiting myself I will be doing inadequate justice to the bill.

These amendments remove certain sexual conduct between consenting adults in private from the purview of the criminal law. There is one point which I cannot emphasize too strongly in this regard. It is that parliament would not, in enacting these amendments, be condoning this type of conduct. Parliament by not imposing the criminal law upon fornication or adultery is not thereby condoning fornication or adultery. By having broadened the laws affecting divorce during the last parliament, parliament did not by that promote or condone divorce as a remedy worthy of emulation. Individuals will continue to be responsible to themselves for their moral behaviour.

I should like to place on the record a passage from the Wolfenden report dealing with this matter in the United Kingdom:

Unless a deliberate attempt is to be made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business. To say this is not to condone or encourage private immorality. On the contrary, to emphasize the personal and private nature of moral or immoral conduct is to emphasize the personal and private responsibility of the individual for his own actions, and that is a responsibility which a mature agent can properly be expected to carry for himself without the threat of punishment from the law.

Portions of this bill relate to the operations of the Department of the Solicitor General and fall within the jurisdiction of my colleague who is here sitting in the house with me. They deal with the Parole Act, the Penitentiary Act and the Prisons and Reformatories Act. There is in addition one section of the Criminal Code, section 634, which deals with imprisonment of over two years and less than two years. That proposed amendment is also the concern of the Solicitor General (Mr. McIlraith).

[*Translation*]

I feel, I must point out briefly the eight main topics which fall within his jurisdiction:

Criminal Code

I shall not deal at length with these amendments, as the Solicitor General (Mr. McIlraith) will comment on them in due course. At this point, I shall limit myself to pointing out that they deal, among others, with the following topics:

(1) the circumstances which make it necessary for delinquents to be imprisoned in a penitentiary or a provincial institution;

(2) an increase in the number of members on the National Parole Board;

(3) the continuous supervision and orientation of those delinquents who are released, not on parole, but for having accumulated remissions in excess of 60 days;

(4) the crediting of the remission periods deserved by the inmate in the calculation of the length of his parole;

(5) the obligation to credit to the inmate the period of time during which he has been held after suspension of his parole or while waiting for its cancellation;

(6) faster transportation to the penitentiary of inmates originally detained in a provincial institution while their appeal is heard;

(7) a proposed new standard for remission applicable to the inmates of provincial institutions in order to allow them to be eligible for total remission as they would have been allowed had they been detained in a penitentiary.

[*English*]

That is neither an exhaustive nor a detailed exposition of the provisions of the bill which fall within the jurisdiction of my colleague, the Solicitor General. He will be explaining further that part of the bill relating to the matters for which he is charged under his statute.

I do not wish to go into any detail about the amendments in respect of harassing telephone calls, but I would hope that that provision will be looked into by members of the committee. I draw it to the attention of the house.

There are some important amendments relating to suspended sentence and probation. At the committee stage I hope these amendments will be given thorough scrutiny.

There is an important amendment in respect of misleading advertising which transfers the provisions of section 306 of the Criminal Code to the Combines Investigation Act and gives the federal Attorney General jurisdiction over the prosecution. I cannot