

*Criminal Code*

and administer the law. However, we must start with youth.

I recall that in 1966 the then solicitor general tabled a report on juvenile delinquency. I also recall a conference of social workers at Lake Couchiching in May, 1967. These social workers, after making a detailed study of the report, anticipated great changes in the treatment of youth. Thus far there have been no changes. There has been inaction by the government, and more particularly a general apathy on the part of the present Solicitor General (Mr. McIlraith).

I rather admire the Solicitor General for some of his past performances but I find very little to admire in his approach to amendments to the Juvenile Delinquents Act. I find very little to admire in his approach to the expunction of criminal records.

**Mr. McIlraith:** What do you know about either of those subjects?

**Mr. Gilbert:** We appreciate that the former solicitor general presented a memorandum to cabinet last spring containing proposals with regard to the expunction of criminal records and the reform of the bail system, and prior to the election had the consent of the cabinet to proceed with such amendments. But almost a year later we have had no action with regard to these vital areas of criminal law. Possibly we might have a reorganization of the Department of Justice and the Department of the Solicitor General so that one minister would be responsible for both departments and provide the cohesion and direction needed at this time. It may be that the Prime Minister will help us out in this dilemma by appointing the Solicitor General to the other place. In the meantime we shall have to persuade, cajole and use all means to get him to act in these vital areas.

The federal government has an over-all responsibility to society to bring about decent housing, full employment opportunities, decent levels of income, and educational and cultural opportunities. The federal government cannot opt out of its responsibility to the individual in society to help him to fulfil his social and material needs. Measures of this kind form the underpinnings of a just and civilized society, and until we attain them we shall have to make the best of the halfhearted measures that come from the government.

Having made these general remarks I would now like to deal with the bill. These

amendments have been referred to as catch-up measures. Nevertheless we in the New Democratic Party welcome them. They represent a timid attempt to update the law. They are at least 15 to 25 years behind similar reforms in other jurisdictions. We in Canada are never leaders in reform; we are always followers.

My colleagues have set forth my party's position on the main areas of reform regarding abortion, homosexuality, lotteries, firearms, etc. We have recognized the honest differences among our members arising from problems of conscience and religion. We have stated that there will be an opportunity for all members to put forward amendments when the committee has made its report to the house, which will obviate the necessity of voting for the entire package.

With regard to the main problem of abortion some say that there is no change in the present law by the addition of the word "health" in the phrase that continuation of the pregnancy would be likely to endanger a woman's life. In the minds of some hon. members the addition of the word "health" only brings the law up to date as interpreted by the courts. This may be so but to me it creates a different atmosphere and different attitudes. We are beginning to regard the problem of abortion as a human or social problem rather than as a criminal act. No Canadian wants a continuation of backstreet butchery. Most Canadians want women to have doctors, clergy and social workers available to think the problem through with them and to bring forth their understanding, compassion and guidance. Therefore this amendment is a step in the right direction.

It seems to me that we can analogize the abortion amendment to our present law on divorce and its relationship to the divorce law of England. In the divorce field we have not proceeded as far as England has, where the breakdown of a marriage is the main ground for divorce. We have not gone that far. Neither have we gone as far as England in our approach to the law of abortion but, who knows, with a little experience, a little education and persuasion we may be able to update in the near future not only our divorce law but the law concerning abortion. We may again refer to the approach of the English jurisdiction for guidance.

With regard to homosexuality many have said that it is necessary to get the state out of the bedrooms of the nation.