

ADMINISTRATION OF JUSTICE

CHARGE OF RAPE—DEFENCE OF CONSENT—AMENDMENTS TO
CRIMINAL CODE

Mr. Svend J. Robinson (Burnaby): Madam Speaker, my question is addressed to the Minister of Justice, to whom I have given notice through his parliamentary secretary.

On May 20 last, the Supreme Court of Canada handed down its decision in the case of *Pappajohn v. The Queen*, which was an appeal from conviction on a charge of rape. In the decision the court held that if an accused person honestly believed that the woman was consenting, even if there were no grounds whatsoever for that belief—no reasonable grounds at all—the accused should be acquitted completely. Our court thus followed the Morgan decision, a bitterly criticized decision of the English House of Lords.

Is the minister prepared to reverse the effect of this ruling of the Supreme Court of Canada in the amendments which he will be introducing, hopefully shortly to the Criminal Code and, in so doing, will he remove this very serious injustice to all women in this country?

[Translation]

Hon. Jean Chrétien (Minister of Justice and Minister of State for Social Development): Madam Speaker, I have not yet had an opportunity to make a complete review of this issue. This is a very important decision, and following the review we are now making of the Criminal Code of Canada we shall see whether this decision should bring changes, or not, to the Criminal Code.

[English]

Mr. Robinson (Burnaby): Madam Speaker, a supplementary question. I am very pleased to hear that this question will be receiving priority attention in the review of the Criminal Code.

I would ask the minister, however, whether he will assure the House that, rather than waiting for an omnibus Criminal Code amendment bill, he will move quickly in this area and introduce a separate bill dealing specifically with the question of sexual offences against women, and whether in that bill he will remove the totally unacceptable spousal immunity whereby a husband cannot be prosecuted and convicted of rape against his wife?

Some hon. Members: Oh, oh!

[Translation]

Mr. Chrétien: Madam Speaker, a review of that problem has now been under way for several weeks in the justice department, and I hope to be able to go ahead very soon. However, because we are dealing here with very complicated problems, I feel that I am not now in a position to give a more specific answer to the hon. member.

Oral Questions

[English]

ENERGY

HIGH PRICE OF FUELS—POSSIBILITY OF SUBSIDY FOR LOW
INCOME FAMILIES

Hon. George Hees (Northumberland): Madam Speaker, I have a question for the Minister of Energy, Mines and Resources. As the price of transportation and heating fuels will rise very rapidly when the \$3 billion per year subsidy on imported oil is phased out and the government sets a new Canadian oil price, is it the intention of the government to greatly assist low income families meet these increased fuel costs by introducing an energy subsidy similar to the one introduced by the former government in its budget, which would pay \$80 per adult and \$30 per child, per year, to a family with a combined annual income of less than \$21,000?

[Translation]

Hon. Marc Lalonde (Minister of Energy, Mines and Resources): Madam Speaker, I wish to thank my hon. colleague for his interesting suggestion, but I want to point out to him that this government did not wait for an increase in the price of oil to take care of a group for which it is particularly responsible. Far from increasing the benefits by only \$80 a year, as the Progressive Conservatives intended to do, my hon. colleague will surely recall that this government recently increased the guaranteed income supplement for all our senior citizens by \$35 a month, which is much more than what the Tories had suggested.

[English]

Mr. Hees: Madam Speaker, it is very easy to see from the minister's answer how he has gained the reputation of being the elusive minister in the cabinet.

An hon. Member: The Artful Dodger.

Mr. Hees: In addition to the old age pension supplement, which was supported 100 per cent by all members of the House, would he give consideration to introducing, also, energy supplement to assist low income families meet the very high and steadily increasing fuel costs which they will have to meet in the very near future?

[Translation]

Mr. Lalonde: Madam Speaker, my hon. colleague is asking whether or not I shall consider his suggestion. As he knows, the government gives the greatest possible consideration to everything that comes from him.