

# Canada Weekly

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## Omnibus bill to amend criminal law and change rape legislation

Justice Minister Ron Basford introduced omnibus legislation in the House of Commons on May 1 providing for extensive revisions to Canada's criminal law. Measures reforming the Criminal Code provisions dealing with rape were also introduced. The bills are in addition to provisions introduced on April 4 to give the right to accused persons in criminal proceedings to be tried by a judge or judge and jury who speak their official language, or to be tried in a bilingual manner.

Mr. Basford said that the proposals relating to reform of the rape laws were in response to the many representations he had received. The proposals, he continued, would "merit the careful consideration of women's groups and organizations and provincial attorneys general".

### Omnibus bill changes

The omnibus bill amends the Criminal Code, the Canada Evidence Act and the Parole Act. In summary, the major changes are:

- *Alternative sentencing* — To reduce prison costs, to prevent overcrowding and to assure more effective disposition of offenders, a new range of sentences will be permitted to judges in appropriate cases, with the consent of the offender. Where suitable, a convicted person could be ordered under supervision to do worthwhile community work, to repay the damage caused to the victim by his crime, or to work off payment of his fine by work in the community.

- *Pornography* — Provisions on pornography will be tightened to take greater account of violence and undue degradation of the human person. Special provisions will be added to prohibit the use or defilement of children in the production of pornography and the definition of that which is obscene would be amended to read: "A dominant characteristic of the matter or thing is the undue exploitation of sex, violence, crime, horror, cruelty or the undue degradation of the human person."

- *Prostitution* — Changes will be introduced to restrict soliciting for the purposes of prostitution in public places. The law will be changed to assure that offences relating to prostitution include both male and female prostitution; that soliciting in a public place will not need to be pressing or persistent to constitute an offence; and that a public place, in such cases, could include an automobile. The changes relating to the defilement of children will make it an offence to procure any person under 16 to engage in male or female prostitution.

- *Parental kidnapping* — A new provision will be added to make it an offence for one parent to take custody of a child in violation of the terms of a custody order or to violate the present custody arrangements of the child.

- *Child abuse* — Where the victim of an assault is under 14, the wife or husband of the person charged will be made a compellable witness to testify for the Crown in relation to prosecution for that offence of assault of the child.

- *Loansharking* — Recognized as a technique related to organized crime activity, loansharking will become a criminal offence if interest (including all related service costs) in excess of 60 per cent per annum is charged. Some provincial statutes already cover, and the Borrowers and Depositors Protection Act proposes to deal with, excessive rates of less than the "criminal rate" of interest of 60 per cent.

- *Solicitor/client privilege* — The administration of justice depends upon clients having free and confidential access to professional legal advice. Therefore, changes will be made to ensure that clients' documents seized in a lawyer's office under a search warrant will be referred to the court in a sealed manner for an order to determine whether law enforcement officials may look at them.

- *Drug addicts* — By order of the court, where treatment facilities exist and where both the facility and the offender consent, a person convicted of an offence and who



Paul de Chomedey Maisonneuve, Montreal's founder, landed on the island of Montreal on May 17, 1642. He began laying the foundations of Ville Marie (later Montreal) and was its governor for 22 years.

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