

tion or improvement in committee. Of course I sincerely believe that this is a committee bill.

There has been some suggestion that we have dealt with it for too long. I think spokesmen for the New Democratic Party asked at one point for agreement that there only be one speaker, limited debate for a day, or something of that nature. I was very much opposed to the suggestion. I do not think the bill needs to be considered day after day, it is a bill on which various hon. members on all sides of the House should comment because it touches the lives of many of our constituents.

It is an omnibus bill. In principle I have never been happy with omnibus bills, particularly those amending the Criminal Code, because they were often used as vehicles by a succession of governments wherein they would sugarcoat an unacceptable amendment with a variety of amendments which had been long sought and long desired. I cannot make the same accusation with equal force about this omnibus bill. I would have preferred that sexual assault amendments be dealt with separately. But I want to emphasize that omnibus bills amending the Criminal Code should not become the rule but preferably the exception.

The bill has had an unhappy history. When it was first introduced by the then minister of justice, the Hon. Ron Basford, three and a half or four years ago, I remember how deplorable was the timing of the introduction of that legislation. It preceded by only three or four months the long-awaited report of the Law Reform Commission on the same subject. I thought the then minister of justice was doing a grave disservice to the commission. It was referred to again in the Speech from the Throne in April, 1980, and finally introduced in Parliament by the then parliamentary secretary to the minister of justice. I know and respect the parliamentary secretary, the hon. member for Sault Ste. Marie (Mr. Irwin), but I suggest that any significant amendment to the Criminal Code deserves to be introduced on second reading in the House by the Minister of Justice (Mr. Chrétien), not his parliamentary secretary.

There are a number of important matters that are dealt with in the legislation, any one of which could command our exclusive attention—child pornography, sexual exploitation of young persons and public decency. As much as I am tempted to dwell on some of these important aspects, I wish to deal exclusively with the amendments regarding sexual assault. I almost made a fatal mistake today because I recalled making a speech on this subject some seven or eight years ago, and I almost looked it up. But I was wise enough to stop at the last moment. I cannot remember the circumstances. I know it was not legislation. I believe it was private members' hour, an allotted day or something like that. I remember late in the evening, on about five minutes' notice, rising and saying, "When, oh when will we be rid of the rape provisions in the Criminal Code?" I went on at some length, and as a result I received a considerable amount of mail, both in support and against. I am not so naive as to suggest that my speech prompted this legislation, but I recall saying without reserva-

tion and without qualification that the offence of rape must be absolutely done away with.

I dealt with two aspects of the offence of rape. The one which was hard to come to grips with was the dirty and smutty aspect, the multitude of clichés normally directed at victims of which we are all aware. For example, an unacceptable aspect of the offence is when young children look up the word "rape" in the dictionary and giggle. Another much more important aspect is the nature of the crime. I do not pretend to be a legal historian, but historically it was an offence against property, not a matter of protecting the integrity of a person. If a man's wife or daughter was defiled, his property was defiled; that is the history of this offence.

● (2110)

The wife or daughter was a chattel and when someone offended that chattel, the husband or the parent had recourse against the perpetrator of that offence. That is our history.

Perhaps this is not a good analogy, Mr. Speaker, but I remember very well acting for a farmer who owned a purebred heifer. A neighbour's bull broke down the fence between them and impregnated the heifer. I sued on behalf of the owner of the heifer and was quite successful. There is a great deal to be said about the offence of rape that is similar to that civil suit which I successfully prosecuted.

Those of us who have practised criminal law have certain cases that we will never forget. I remember an incest case, one which was very difficult for a young lawyer. I met the accused at the preliminary trial. We went through the preliminary hearings, through the trial, and by the end of it all I was absolutely convinced that my client did not know that incest was a criminal offence. He regarded that child as a piece of property and he, being the owner, could do nothing to that property that would offend the criminal law. I was not too busy at the time and I was so concerned about the case that I did some further investigation. The law school of the University of Southern California sent me a doctorate paper which showed that people in a certain vocation, to which my client happened to belong, commonly did not know that incest was a criminal offence.

The report of the Canadian Advisory Council on the Status of Women states that in 1979, just under 3,400 rapes were reported in this country, and that their information indicates that only one in eight rape cases were reported to law enforcement agencies. I presume that of the seven unreported, the decision was not left in the hands of the victim but was made by the parent or the husband. I think that situation is completely unacceptable in this century and therefore I say with all the force I can muster that we should do away with the offence of rape.

I support the principle in the bill of equal protection for and sanctions against males and females. That provision is long overdue. I have a personal view with respect to the description of the new offences of sexual assault and aggravated sexual assault. I do not like adjectives in the Criminal Code. Of course that is a sweeping generalization and I understand the