

s. 715.1. However, the Committee notes that s. 715.1 has been declared invalid by the Manitoba Court of Appeal in a case that will soon be heard by the Supreme Court of Canada.<sup>24</sup> For that reason, it is agreed that any legislative action in the matter should await a decision in *R. v. Laramee*.

On a related issue, Crown counsel Wendy Harvey recommended enacting a provision to protect the privacy of any videotaped evidence by making it a criminal offence to misuse the tapes. (p. 23) That suggestion found support with the Canadian Bar Association who agreed that there should be legislation to prohibit disclosure of these tapes or their use beyond the purposes of trial preparation. (99:13)

In light of what it heard, the Committee recommends:

**That the *Criminal Code* be amended to protect the privacy of complainants by making it an offence to use videotapes for purposes other than those related to trial.**

## C. Additional Issues

A number of witnesses suggested the creation of new offences or amendments to existing provisions that were not part of Bill C-15 but are very much related to the stated goals of that legislation. Those suggested reforms are discussed below.

### 1. *Section 155 — Incest*

The National Association of Women and the Law recommended that s. 155, prohibiting incest, should be expanded to include family members whose relationship is not limited to blood ties and to capture a broader range of sexual conduct such as sexual interference or invitation to touching. (p. 7)

The Committee acknowledges the concerns raised in regard to this offence. However, given the historical basis of consanguinity for the offence of incest and the availability of other avenues of prosecution, the Committee is not persuaded that s. 155 requires any amendment.

### 2. *Section 486(1) — Exclusion of Public*

Under this section, proceedings are ordinarily required to be held in open court but the judge has discretion to exclude any or all members of the public where it is "in the interest of public morals, the maintenance of order or the proper administration of justice."<sup>25</sup> Although this provision was not changed by Bill C-15, a number of witnesses made suggestions for amendments to acknowledge the special needs of child witnesses, including the difficulty they may have giving a full and candid account of their experience in a courtroom crowded with strangers.

<sup>24</sup> See *R. v. Laramee* (1991), 73 Man. R. (2nd) 238 (Man. C.A.); leave to appeal to the Supreme Court of Canada granted 6 February 1992.

<sup>25</sup> In the trial of sexual offences, s. 486(2) requires a judge who refuses a request for an exclusion order to state his or her reasons for not making the order.