

Mr. SIM: The case before the tariff board had to do with a particular volume which was indeed referred to them by us with a view to determining whether or not it came within the category of tariff item 1201 which is the item under which we operate.

That item reads as follows:

Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.

Those words have been in the tariff back to the time when the memory of man does not run to the contrary and they have always been difficult to administer. In the final analysis, realizing how important this function is, succeeding ministers have themselves assumed final responsibility for what is classified under this item on the theory that, this being a very difficult determination, it should not be left to bureaucracy but should be in the hands of someone responsible to the House of Commons, and who could answer for anything done in this respect. By and large, that has seemed to meet the wishes of the house.

As far as my experience goes, we still wrestle with this tariff item because, while no one in his right mind would welcome the job of defining the words, "immoral and indecent", as officials we have a duty to perform and cannot duck it; we have to do something about it. We do our best with it. By and large, I feel our administration has represented the moral tone of our country. It has seemed to me that our interpretations represent what, in the minds of most people, was "immoral and indecent"; and that has varied, I think, from time to time.

Unfortunately, we have not been guided very much by court decisions in this regard. I would personally like to see some of the persons who express views on this thing carry through to the point where they would actually take cases before the courts, so that we would get some direction as to the legal definition of "immoral or indecent." In the light of the changing scene, with respect to current literature, I do not think I can add very much more at the moment.

Mr. BENIDICKSON: The point I was thinking of is if someone wants to take the initiative in matters of this kind, it must be someone with commercial interest such as an importer or the seller of the book. Did the tariff board formally ask to be relieved of this type of appeal?

Mr. SIM: This involves a tariff item; there was a statutory right of appeal to the tariff board, but you must remember that an importer has the option. He could appeal to the tariff board or go into the courts. It is now open to any importer who feels himself aggrieved to go to court in this regard.

Mr. BELL (*Carleton*): That right of appeal was changed in the last session.

Mr. SIM: Yes.

Mr. BELL (*Carleton*): How many appeals have there been to a county judge?

Mr. SIM: Very few.

Mr. BELL (*Carleton*): Have there been any?

Mr. SIM: There have been none since the amendment to the act.

Mr. BELL (*Carleton*): Which came into force when the budget was adopted last year.

Mr. SIM: That is right. That may or may not be indicative of satisfaction; with out administration it may be inertia—I am not sure. But at any rate there