

*Criminal Code*

That is the task of every Member of the House of Commons. It is not merely the goal of the Opposition, although it is certainly our special role to study legislation and pick it apart in an effort to ensure that it is good legislation. There are parts of this Bill which concern librarians and the artistic community. There are parts of the Bill that concern churches and religious leaders. They are not happy with aspects of this Bill. It is their responsibility to communicate their concerns and make sure that the Bill is good. Personally, I must call attention to the clause which deals with the subject of erotica. Clause 1 of the Bill states:

'erotica' means any visual matter a dominant characteristic of which is the depiction, in a sexual context or for the purpose of the sexual stimulation of the viewer . . .

● (1650)

It then lists certain parts of the anatomy.

Clause 159.7 then states:

Every person who displays any erotica in a way that is visible to a member of the public in a public place, unless the public must, in order to see the erotica, pass a prominent warning notice advising of the nature of the display therein or unless the erotica is hidden by a barrier or is covered by an opaque wrapper, is guilty of an offence punishable on summary conviction.

It is provisions such as these which concern the libraries, the religious community and the artistic community. They ask whether we are dealing with those things such as hard core pornography that we want to stop, or also including in the Bill such an omnibus list of concerns that it will create a backlash and a loss of respect for this legislation.

I hope the committee will examine this Bill very carefully and make sure that the objectives I have outlined will be achieved and, at the same time, eliminate those concerns so that, by being so puritanical or unenforceable in its nature, this Bill will not earn derision rather than respect.

We all know the dangerous results of the Bill that was passed in the name of temperance. That Bill which in effect imposed prohibition did not cease the use of alcohol as hoped, or bring about temperance in alcohol, but stimulated its use in the United States far beyond anything it had been before. That Bill brought about waves of crime, gang wars, smuggling and tax evasion. That Bill which was supposed to bring temperance left in its wake a whole way of life that was violent. It brought about total disrespect for the law. That is certainly what we must avoid. We must not pass legislation that will bring about such a backlash from the general public that it will be merely regarded as a joke.

We must deal with this matter with respect and great care. For example, we must recognize that 5 per cent or less of the pornographic materials to which we all object is created here in Canada. Over 95 per cent of it is created in the United States or transshipped through the United States. When we consider free trade, let us hope that this will not be more of the free trade that we want. I hope we will remember that not all blessings come from the south when we think of what it means to have open borders.

We also must consider whose responsibility it is to prove someone's innocence or guilt. The committee must carefully consider the question of responsibility for proving whether or not this law has been contravened. There must be due process and respect for the ancient rule and view of British common law that a person is innocent until proven guilty. We must not create a situation in which it is up to the artist, for example, to prove his or her innocence. I do not know that anyone could regard themselves as artists and feel free in any society if they were afraid there would be laws in this country making one guilty until proven innocent.

I hope the House will make a radical examination of these matters when the Bill goes to committee, to ensure that mistakes are not made again.

I refer to Bill C-114 which was known as the Crosbie Bill. The Government presented this Bill to the House for passage. However, not only did the Opposition and many people throughout the country object to the Bill, Members of the Government benches, in private and in caucus, urged that the Bill not be passed because it was bad legislation.

It is not necessarily correct that the Government has taken positive action simply because it has brought forward a Bill to finally deal with a subject. If the Government is so incompetent in drafting a bill to deal with a particular problem that it cannot get the support of its own benches, obviously it had better take a hard look at this Bill.

There are many people who definitely want to stamp out every form of hard core pornography, which is evil, and at the same time want to make sure that our freedom of speech is maintained. Our artists must not feel that they live in a country where they cannot create a society that will bring about sensitivity and respect for the love of people and their relationships. We must ensure that that legislation does not attack love, sexuality or the artistic depiction of love in some way.

I believe the committee should analyse some present forms of art that are acceptable to Canadians to see whether this Bill will pass the test. Let the committee be absolutely sure that the language will eliminate what we want while respecting the values of our society, especially for education.

Let us also be sure that our children will be educated safely and adequately due to the dangers of AIDS, sexual diseases and so on. We must pass legislation that does not merely supply a platform for someone to make a point. Let us have legislation that is worded in a way that good educational material for children about sexual behaviour, sexual relationships and explanations will not be ruled out and make us in the House of Commons look absurd.

● (1700)

I see my time has expired at this point, or at least that my time is up.