

Criminal Code

have artistic merit or an educational, scientific, or medical purpose.

I recall sitting at home in Winnipeg watching a movie on television. This film had been shown at all first-run theatres across Canada. My wife and I found that the movie was rather dull and switched to another channel. About a half hour after we switched channels I received a telephone call from one of my constituents who expressed his shock at what he was watching, which turned out to be the film that I had turned off. He was protesting that there was a scene in that film being shown on television which showed a woman naked to the waist. He said that he had young children and did not think they should see such films. I told him that he has every right to choose what he wishes to watch and, if he believes that film is one that he or his children should not see, he could have changed the channel.

This film had been shown in movie theatres in every province of the country. Manitoba is the only province that does not have censorship, but simply a classification system. All other provinces which censor films screened this movie before it was shown.

● (1330)

I said to him: "Do you really think this film should not ever be shown in movie theatres in this country?" Some people really believe that, but I do not believe the Parliament of Canada should be expected to pass a Bill which has been endorsed, promoted, and pushed by certain groups in society who have such restrictive views. Believing as I do in free speech and democracy, I agree they have every right to promote their views. However, to try to impose a set of morals on this country which would take us back to the Victorian or pre-Victorian days, I certainly cannot accept that.

As I indicated, the artistic community is particularly worried about the effects of both the definitions and the defences provided in this Bill. The onus has been clearly placed on the artist or writer to prove the material is not pornographic, thus creating legal obligations on them that they can ill afford. It seems that provision is completely contrary to the basic fundamental principles of our system of justice. Under our system of justice a person is considered to be innocent until proven guilty.

What this Bill says is that if there is a complaint that an artist has painted a picture which might be classified or considered to be pornographic, or if a writer has written a novel which someone considers to be pornographic, they can be charged. The usual procedure is that someone can make a complaint to the police. The police will look at it and, if they believe the complaint is justified, they take their evidence and views to the Crown prosecutor. The Crown prosecutor, as senior legal official in this kind of situation, decides whether that charge is justified. If the Crown prosecutor believes that the material alleged to be pornographic is in fact pornographic, then he or she proceeds to lay a charge, and the charge will

eventually be heard in court before a judge or a judge and jury. The Crown prosecutor will give the evidence. Then the artist who has been charged, has the opportunity, together with his or her legal counsel, to enter a defence.

The provisions of the Bill turn that procedure on its head. The Bill says that if there is a claim that some material is pornographic, such as a novel, a film, or movie cassette, it is for the artist to prove it is not. I believe that kind of concept is so contrary to our whole system of law. By that provision alone, we are making a major change in the way in which our system of justice operates. I believe it would be a mistake which will lead to tragic consequences.

That kind of provision, along with many others, is completely unacceptable to me and to other individuals and groups, as well as writers, some of whom I have quoted. For that reason, and for many other reasons, a few of which I have tried to put on record, I and my colleagues intend to vote against this Bill.

[*Translation*]

Mr. Grisé: Mr. Speaker, I listened carefully to the comments made by the Hon. Member for Winnipeg North (Mr. Orlikow), and I realized that the Hon. Member was taken unawares at first and had a lot of trouble because he did not have enough information, and in fact that was obvious throughout his presentation. The Hon. Member for Winnipeg North may not be aware, Mr. Speaker, that we are now considering the motion by his colleague from Burnaby (Mr. Robinson), the effect of which would be quite simply—

[*English*]

—to scrap the Bill. I would like to ask the Hon. Member for Winnipeg North (Mr. Orlikow) a question. Is the president of the Canada Council, Maureen Forrester, saying in her letter that we should simply ban the Bill, just as the Hon. Member for Burnaby (Mr. Robinson) is stating in his motion that "this House declines to give second reading to Bill C-54 because it fails to clearly define pornography as material that condones violence", and so on?

Does the Hon. Member believe that Maureen Forrester believes that we as Government should not address pornography in which children or young people engage in sexual conduct, extreme violence in a sexual context, sexually violent behaviour, degrading acts in a sexual context, bestiality, incest, or necrophilia?

Does he believe that we should not address those kinds of sexual conduct? Is it the intention of Miss Forrester to tell the New Democratic Party to scrap the Bill, or is she saying to pass the Bill on second reading and refer it to a legislative committee for amendment by Members of the House of Commons in line with parliamentary reform?

Where does the New Democratic Party stand on parliamentary reform? We present a Bill in the House on second reading, and those Hon. Members say, "Oh, no, we will not send it to a legislative committee. We want the Bill scrapped". What is the Hon. Member's response to this?