

provincial competence over matters of a local or private nature in the province and the Supreme Court of Canada has upheld the exercise of that power.

It seems clear that the extension of a classification system to the distribution of recorded material for private use would similarly be within provincial competence. This is not to say, however, that it is not possible for the federal Government to become involved in the matter, principally through the use of the criminal law power.

The classification of privately used video and audio material is becoming a significant issue in other jurisdictions as well as in Canada. As I mentioned earlier, in the United States this issue has also been raised by a number of groups and organizations. A subcommittee of the U.S. Senate Commerce, Science and Transportation Committee recently held hearings into a proposal to require the labelling of phonograph recordings with warnings as to explicit lyrics or certain types of subject matter dealt with in the recording. Witnesses who had supported the proposal acknowledged that popular music has always been disapproved of by other generations but submitted that recently such music has undergone a serious shift in emphasis into so-called porn rock, the glorification of such things as sado-masochism, incest, bondage, indiscriminate killing and, as I have already mentioned, suicide.

Similar concerns have been expressed with respect to video presentations of popular music. Some witnesses urged legislation on that matter while others submit that self-regulation may be possible and that the recording industry should start policing itself along the lines of the film industry's rating system. For example, it could establish a voluntary rating system such as the Motion Picture Association of America has with respect to film.

Two Canadian provinces have taken steps to classify video recordings. In Nova Scotia, the province's Amusements Authority Board has been empowered, pursuant to the Theatres and Amusements Act, to regulate film exchanges, retail outlets which sell, lease, lend, exchange or distribute films to the public. Such exchanges must be licensed before they are permitted to operate. In addition, every video film including video cassettes, video discs and video tapes must be marked with a classification assigned to it by the board both on the container in which it is kept and on any container used for display purposes. That classification can be "general", "adult" or "restricted". The regulation contemplates that some video films may be distributed without having been classified and requires such video films to be marked "unclassified".

Theoretically, through the use of the criminal law power, the federal Government could impose a national system of review and classification of recorded material. However, this would involve significant costs and could serve to alienate the provinces. The federal Government is not limited to a direct role in this area.

An airing of these issues at the national level could serve to encourage the development of review and classification systems across the country. It could also lead to the development of minimum standards of acceptability and uniformity of

procedures. In addition, the federal Government has a clear role to play in dealing with the importation of recorded material by virtue of its jurisdiction over customs.

Possibly the most significant federal interest in this matter is to ensure that if a system of review, classification and labelling of recorded material is necessary, it applies in one way or another throughout Canada and in accordance with the Charter. Although the direct participation of the federal Government in the administration of such a system may not be practicable, it is possible for Ottawa to establish a structure whereby the provinces eventually become obligated to act in this area subject to minimum standards.

It is with these thoughts in mind that I bring this matter before the House and ask that the Standing Committee on Justice and Legal Affairs be empowered to study the question of consumer standards for rating and labelling in the entertainment industry, particularly with respect to videos, records, cassette tapes and compact discs, and that in undertaking this study the committee focus on the question of sexually explicit lyrics and the negative moral effect this may be having on the youth of Canada.

Mr. Ian Waddell (Vancouver-Kingsway): Mr. Speaker, I have a couple of remarks to make on this motion. It is too bad that I cannot ask the Hon. Member questions about his speech so I will pose some of my remarks in terms of questions that I would ask. I do not pretend to be an expert on this subject. I am speaking as an ordinary Member of the House, but I do have some questions.

I should first declare my biases, and I am speaking personally here. I believe in free speech and I do not like censorship. Justice William O. Douglas, the great judge of the Supreme Court of the United States, once gave a judgment when he was defining, as the American Supreme Court had often to do, the notion of free speech. He said that free speech means free speech, period. That was the entire decision. He struck down the law that went against free expression.

The Hon. Member is correct when he says that we do have limits on self-expression in Canada. There are the laws of libel and there are even limits to free speech in this House where libel laws do not apply. However, Canadian libel laws are very restricted, as the Hon. Member knows. For example, one may make comments about a group of people unless it goes against the Criminal Code hate literature sections.

At common law, libel and defamation was very restricted to actually affecting an individual person, his reputation and his standing in the community. Our laws were very restrictive because in a democracy, we want to have as much freedom of expression as possible. That is what a democracy is all about and that is what we believe brings human happiness and progress.

When I looked at this motion, I asked myself what were sexually explicit lyrics. I am a little out of date in my music as I am getting older, but I remember some John Lennon tunes and I have one particular song in mind. I will not sing it but other Hon. Members may. It is the song entitled *Imagine*. I