

*Customs Tariff*

pornographic material that does such an injustice to women and particularly children.

In Clause 10 of the Bill the Government indicates that it intends to extend the provisions of tariff Item 99201-1 beyond its original phasing out date of October 30, 1986 to December 31, 1987. In the midst of a Bill introduced by the Minister of Finance dealing with economic development issues, we find this clause which is of concern to civil libertarians all across Canada as it extends the tariff item which currently prohibits the importation into Canada of certain publications and materials. What this has to do with the major thrust of this Bill is beyond me.

I think it is fair to say that censorship by the state is a very serious matter. All parliamentarians have registered their concerns on many, many occasions. We must be certain that our regulations are not unduly restrictive. We must make sure that moral decisions are not being made by bureaucrats in evaluating imported materials. In the area of pornography, we have been waiting for many months for the Minister of Justice (Mr. Crosbie) to bring forward a comprehensive legislative package. The Minister just the other day indicated the general direction in which the Government plans to move. As we have seen by the headlines, I suppose in almost every major newspaper in Canada, there is a great deal of concern that the Government has been moving with undue haste and has not thoughtfully approached this matter of limiting the importation without a very clear definition of what pornography and obscene material is; a package which would include Criminal Code amendments where necessary and which would draw on the recommendations of the Fraser-Badgley Commissions to set out more precise and modern formulations of just what constitutes, for example, "obscene" or "degrading" literature to be prohibited entry into Canada. Indeed, the June 1986 sunset clause on tariff Item 99201-1 was included because it was assumed by this House and all the Members in it that the Government by that date would have presented a reform package to deal with these important national concerns.

As all Members of the House know, these are important national concerns. People are concerned about the importation of pornography, particularly, as I say, depicting violence against women and depicting sexual relations with children. However, Mr. Speaker, the only thing I can read by this particular Bill is that the Government does not plan to move with haste. As a matter of fact it has now asked that the date for deciding on this tariff business be extended many months into December, 1987. I think we have an obligation as parliamentarians to move much more quickly in dealing with this material.

In matters related to the protection of the rights and liberties of political minorities and movements there is also a cause for concern, Mr. Speaker. This tariff item allows customs officials to prohibit entry of material they deem to be "seditious" or "treasonable". There is a grave danger that those who dissent from majority views may find their freedom of expression extremely limited because it will then be an

official, a bureaucrat, who will decide whether the material is treasonable or seditious without a clear, precise definition of those two terms. We must remember that the Federal Court of Appeal struck down an earlier version of this tariff item because it was too vague and posed unreasonable limitations upon the freedoms guaranteed to Canadians by the Charter of Rights and our Constitution.

Many Canadians have expressed similar concern about this current tariff item. Indeed, journalists, publishers and bookstore owners have expressed their fears about Government restrictions on the freedom of Canadians to read what they choose because our existing regulations are open to abuse by secretive custom officials. We have been pointing out, as you are well aware, Mr. Speaker, day after day that the systems at the borders are becoming much more subjective in the decision making of what enters Canada, and very loose, in that much of the imported material, the overwhelming material, some say as high as 90 per cent, goes totally unexamined, unchecked. That is one of the major concerns we have.

On this issue, Mr. William French, a respected national columnist with *The Globe and Mail* recently wrote:

—the censors are endangering hard-fought victories gained over the years in the battle for freedom of expression . . . They have wide latitude in how they define not only obscenity but reading material they deemed to be subversive. They have banned political books in the past and could quite easily do so in the future.

My concern, and I suspect it is shared by all Members, is that until we have very precise and understandable definitions of what the terms seditious and treasonable mean, in many cases those people offering differing political views of how Canada ought to be governed, people who represent ideology from political movement contrary to what might be found in our own country, may be having their views and publications banned from Canada and, consequently, their views and publications kept from people who obviously have inquiries to make in these areas.

There is no question that we need legislation to deal with the importation of material which depicts violence against women and sexual exploitation of children. Yet, instead of responding to this concern, it appears by this particular move that the Government has taken the easy way out. It has renewed this inadequate provision which gives excessively broad powers, interpretive powers to the bureaucrats, quite possibly in the long run at the expense of minorities or political movements whose views may not be in tune with the Government of the day. I might say on an item like this that the Government of the day might be quite open and feel quite prepared to accept a variety of political views coming into the country for Canadians. But what about another Government that might feel quite different? This particular item as it is presently in Bill C-111 would give the Government of the day an opportunity to restrict alternate political views from being published and circulated in Canada.

We, as New Democrats, had hoped that the Government would have made a serious effort to deal with these issues. Simply to renew this tariff item avoids the difficult questions