

*Government Orders*

• (1520 )

There are some complications in the legislation. This is not easy legislation with which to deal. Pornography is difficult to define and difficult to legislate so that it is not struck down once the courts start to have their effect.

I am sure we have all been through the number of different decisions and concerns. It was gratifying to see that the Butler decision of the Supreme Court of Canada opened the door to allow us to legislate in this area. It allowed legislation on all pornography which is degrading, dehumanizing and violent. I do not think there is anything more dehumanizing than child pornography.

I have some concerns as to whether the definition as contained in Bill C-128 goes far enough. I will read proposed subsection 163.1(1) of the Criminal Code into the record because I think it is important:

163.1(1) In this section, "child pornography" means a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means, that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity.

That definition is very broad and leaves it open for an interpretation as to what constitutes explicit sexual activity and how far that would go.

I am looking forward to hearing some evidence from experts in the field as to how we could tighten up that definition and describe what we are prepared to allow and what we are not prepared to allow.

There are other sections in the legislation which are positive. The parliamentary secretary referred to it. This is going to be an interesting one because again in proposed subsection 163.1(4) it says that every person who possesses any child pornography is guilty of an offence, either an indictable offence or a summary conviction. It is going to be interesting to see how that is going to be applied. I think it is a good idea and I am hopeful that it can be effective. However it is a very broad ranging situation as to what constitutes possession and what type of offence will flow from that.

Again we see a very clear indication as to why the committee needs to spend the time and effort to come up with a good law. I know that in our deliberations on Bill C-126 dealing with the anti-stalking legislation the committee worked hard and made the changes that were necessary to make good law.

It seems that the opposition members are always stuck with the responsibility of trying to improve on what the government puts forward. They never really get it right the first time. I think there are some loose ends in this legislation that are going to require those types of efforts from opposition members.

It is a good piece of legislation in general. There is another excellent section on making child pornography an indictable offence as well with a penalty not to exceed 10 years. This again is an excellent idea. It shows that we take this thing seriously and that it is not a matter of a summary conviction or a small sentence of a year or two.

When we in Parliament indicate that 10 years is the maximum then we are signifying our concern with respect to child pornography. We are signifying our concern about all of pornography when we start on this basis.

We on this side of the House are pleased really for two reasons. First, it is here. I believe we will have enough time to get the legislation through. Second, it is another time in which the Conservative government has taken one of the Liberal planks and has tried to adopt it before we are the government.

A few weeks ago after I had introduced a private member's bill on anti-stalking, the government finally came forward with some legislation. We had announced our crime prevention platform. In it was included crime prevention and anti-stalking legislation. Lo and behold shortly thereafter the government came forward with this type of legislation.

• (1525 )

We did the same thing with respect to child pornography that was a platform of the Liberal Party. Now this government has come forward with child pornography legislation.

I think that if we keep announcing our platform we will finally see some good legislation starting to come from this government but perhaps there is not enough time left.

In any event I know that I am sharing my time with my colleague from Dartmouth and for that reason I will simply say that we are supportive of this going to committee. We are supportive of giving the committee enough time to really study this legislation to finally get the legislation correct.