

*Criminal Code*

legislation affecting customs tariffs and imposition of duties so Parliament again regains its traditional role.

• (1310)

We believe that, until such time as the other countries which are supposed to be partners in this agreement are ready and able to meet the requirements of the Bill with regard to harmonization, this particular section should be withdrawn. We urge Members of Parliament to see the advantages to Canada, in keeping equitable and economic relationships with our trading partners, of not putting this harmonization program into effect until both sides are prepared to do so, until our largest trading partner is able to reciprocate with effective legislation permitting the harmonization of collective duties and tariffs. In that way, our exporters and their importers will benefit equally and equitably by the imposition of this system.

We believe that implementing our side of the bargain on January 1 while we await American action is neither an equitable nor effective way of conducting trade relations with a neighbour, whether a good neighbour or not. It is just not an effective way of doing business. We urge the Government to delay the implementation of this until both sides are able to do so.

**Mr. Deputy Speaker:** I gather the Hon. Member for Yorkton—Melville (Mr. Nystrom) seeks the floor on debate. The Member has moved the motion and is therefore deemed to have spoken. The only way for him to speak would be with unanimous consent.

**Some Hon. Members:** No.

**Mr. Deputy Speaker:** Is the House ready for the question?

**Some Hon. Members:** Question.

**Mr. Benjamin:** Mr. Speaker, I rise on a point of order. I thought if the Hon. Member was not in the House another Hon. Member had to be named as moving the motion.

**Mr. Nystrom:** He used me.

**Mr. Benjamin:** Were you in the House?

**Mr. Nystrom:** Yes.

**Mr. Deputy Speaker:** The question is on Motion No. 16, standing in the name of the Hon. Member for Ottawa Centre (Mr. Cassidy). Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** No.

**Mr. Deputy Speaker:** All those in favour of the motion please say yea.

**Some Hon. Members:** Yea.

**Mr. Deputy Speaker:** All those opposed please say nay.

**Some Hon. Members:** Nay.

**Mr. Deputy Speaker:** In my opinion the nays have it.

*And more than five Members having risen:*

**Mr. Deputy Speaker:** The recorded division on the proposed motion stands deferred.

Normally at this time the House would proceed to the taking of the deferred divisions at report stage of the Bill now before the House. However, pursuant to the provisions of Standing Order 13(5), the recorded divisions will stand deferred until six o'clock, Monday, December 7, 1987.

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**CRIMINAL CODE**

## MEASURE TO AMEND

The House resumed from Wednesday, December 2, consideration of the motion of Mr. Hnatyshyn that Bill C-54, an Act to amend the Criminal Code and other Acts in consequence thereof, be read the second time and referred to a legislative committee, and the amendment of Mr. Robinson (p. 11291).

**Mr. Deputy Speaker:** Is the House ready for the question?

**Some Hon. Members:** Question.

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker—

**Miss Maily:** He doesn't even know what Bill it is.

**Mr. Orlikow:** Mr. Speaker, the Member says that I do not know what Bill it is. In fact, I was not certain that we had finished with the other Bill and I was just looking at my notes.

I want to speak on this Bill because it is a tremendously important issue. The Government is proposing legislation which has been criticized and condemned by a larger group of individuals and organizations than I have seen react to any other Bill brought forward by the Government.

I have always been of the view that in a democratic society we ought to permit the greatest possible range of freedom to speak, write, publish, and broadcast. I have always been very skeptical about any attempts by governments or individuals to restrict the rights of any individual, publication, or organization to express their views.

The reason for my position is very clear. We have seen many successful attempts in the past to restrict these rights. During my time in Parliament, the Supreme Court of Canada, by a very narrow margin of five to four, ruled that the book *Lady Chatterley's Lover*, written by an author considered to be one of the greatest writers in the English language of this century, D. H. Lawrence, was not pornographic. This book is now