

Private Members' Business

If an individual was given a subscription to *Sports Illustrated* and then subsequently the swimsuit edition of *Sports Illustrated* arrived at an individual's home, it would be considered to be on an unsolicited basis. I would dare to say that from the definition included in this particular bill, from what I have just read, that particular issue of *Sports Illustrated* would be considered obscene. At the very least some portion of a female breast is depicted as well as possibly bare buttocks, but it is considered one of the tamer forms of available publications. If this publication is caught by this law, one can see what difficulties would ensue.

It is a real difficulty to define what is obscene. My hon. friend has made an attempt to do it, but I would submit that what has occurred in trying to define visually obscene material is that the standard has been drawn too tightly and not something that should be decided by each individual community as set out already in the Criminal Code.

I have other concerns with the proposed bill as well. In my view a provision of this nature would be anomalous. It creates a special statutory definition of obscene with respect to using the mails for unsolicited, visually obscene material. That definition would be different from the definition used for obscenity in other sections of the Criminal Code. There would be this difference for one type of material as opposed to another.

In trying to deal with the whole aspect of obscenity and pornography, it would create a great deal of difficulty. As my friend, the hon. member for Mississauga West indicated, it is probably a premature matter. I commend the member for his attempt at the unsolicited aspect of it. In defining obscenity, I think he would run into these difficulties with the piece of legislation that is put forward.

Between 1977 and 1988 there were 43 bills introduced into Parliament, including six public bills to change the law governing pornography. The most recent of these was Bill C-54 which died on the Order Paper on October 1, 1988 when Parliament was dissolved. That bill proposed to define as illegal the visual presentation of explicit sexual behaviour which was further defined in detail. Arts, literary, museum, and media groups, as well as the National Action Committee on the Status of Women, considered the definition of pornography to be too broad because it included explicit sex.

We are dealing with a definition in the proposed Bill C-300 which does not even refer to specific sexual acts. Bill C-54 caused a great deal of controversy, not only for the reverse onus that it put on an individual, but as I mentioned for the various groups that felt the definition of pornography included in it would restrict a lot of people, to the point, having sat on a library board in my municipality, where the library board and the officers of the library were concerned that they could be called to account for this book or whatever they had in their library. It does create some concerns.

Obviously that piece of legislation is important and something that should be revisited. Everyone in this House abhors the depictions of sexual violence against women and sexual acts against children. It is something that should be dealt with. We will have to try to work toward a definition and a process that will allow us to do that.

It is interesting that in 1987 an Angus Reid poll found that only 37 per cent of Canadians thought the definition of pornography should include depictions of sexual intercourse between consenting adults. Therefore one might conclude from this that the majority of Canadians consider nudity or partial nudity in visual presentations to be acceptable.

• (1340)

Quite frankly, in my view, if one looks at the community standards test to which I referred earlier, I rather doubt that most Canadians would be intolerant of their neighbour sending or receiving a subscription to a magazine or catalogue as was mentioned.

The unsolicited aspect of it, as I say, is the matter that my friend is trying to get at, but with the definition that is included here I do not believe that we could support the bill. We will go on from there. I believe it is inopportune at this time to consider any amendments to the Criminal Code to deal with the matter of pornography or obscenity.

[*Translation*]

Mr. Fernand Jourdenais (La Prairie): Mr. Speaker, I rise in the House today to voice my objections to Bill C-300, the purpose of which is to amend the Criminal Code to make the mailing of unsolicited visually obscene material an offence. Mr. Speaker, my objections obviously do not arise from a belief that such practices should be encouraged but are based on the fact that this amendment is not useful. Its substance is remarkably vague. It is the reverse, Mr. Speaker, of that spirit of tolerance