

Criminal Code

[English]

CRIMINAL CODE

MEASURE TO AMEND

The House resumed from Friday, December 4, 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).

The Acting Speaker (Mrs. Champagne): The Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria) had the floor.

Mr. Don Boudria (Glengarry—Prescott—Russell): Madam Speaker, last Friday I was commenting on Bill C-54 in the House, and I understand I have a few minutes left in which to conclude the remarks I was making at that time.

[Translation]

As I was saying last Friday, Madam Speaker, the Bill as proposed by the Government is certainly not perfect, but I suggest nevertheless that the House should carry on with its consideration of it, and once it is read the second time, it should then be referred to a legislative committee where amendments could be put forward which, I hope, would improve this Bill dealing with pornography.

Madam Speaker, the House is aware that this is a controversial issue in Canada. As a matter of fact, although Canadians do not want to lose their freedom of expression, on the one hand, they feel it is very important to protect women and children who could be victimized by pornographic material, on the other, and it is a fact that this pornographic material is often blamed as one of the causes of violence against women and children. Although this Bill is not perfect, and I intend to express my concern about it by voting against it on second reading, I should like the House and all Canadians to know that, if major improvements were made by the legislative committee, and if the Government is prepared to listen to our proposals, I should be quite willing to vote for Bill C-54 on third reading.

In concluding, I repeat that I disagree totally with the motion presented by those who say we should ask the Government to drop this Bill. We realize the New Democratic Party tabled a motion in the House to terminate Bill C-54 because it felt it was unsatisfactory. However, although the Bill does need improving, I sincerely believe we would be seriously mistaken if we were to decide to drop the Bill altogether because it is not perfect.

I agree that the previous Bill, Bill C-114, contained errors so serious as to make it unacceptable to most Canadians. Bill C-54, which is itself an amendment and an improvement on the previous Bill, is better, though not perfect, and I think we should go ahead and make the necessary amendments to make this a Bill that is realistic and gives Canadians the kind of

protection and the kind of legislation they want against pornography.

Madam Speaker, in concluding I want to say that I hope the Bill will be referred very shortly to a legislative committee so that the requisite amendments can be made.

Mr. Gauthier: Madam Speaker, I would like to start by congratulating the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria) on his speech which I read carefully today, and since I had the advantage of having Friday's *Hansard*, I also had a chance to read his comments on the weekend.

The Bill contains no distinction, at least no clear distinction, between what is meant by pornography and erotica. This is probably one of the most difficult provisions in the Bill, because while pornography implies violence, exploitation and many other degrading activities, erotica may be entirely acceptable and even pleasing to certain people. I would ask the Hon. Member whether he has considered this question and whether it would not be preferable to make a distinction between pornography, which is bad, and erotica, which may be acceptable, and to clearly explain to Canadians that there is a difference between pornography and erotica.

Mr. Boudria: Madam Speaker, the Hon. Member is right. We do need a far clearer definition to distinguish between erotica and pornography. In Bill C-54, one might say that the only definition of erotica it seems to give is nudity, and the rest appears to be pornography, according to the Bill. I think contemporary views would dictate that this is certainly not the case and that certain acts, gestures or publications may be considered erotic without being pornographic. However, when we refer to films or advertising that advocate violence or depict violence associated with sexual acts, it is obvious that in that case, that we are talking about pornography, and it is exactly the kind of pornography Canadians want stopped.

We have all seen in corner stores, convenience stores and elsewhere video cassettes for rent or for sale and we certainly see from the ads that the material concerned in some cases is related to violence and sex. This is the kind of thing which this House unanimously want to bring to an end as soon as possible. And I am sure that all Members share that view, or at least I think they should share it.

There are other shortcomings in this Bill which should also be considered by the legislative committee. For instance, no distinction is made between the penalties for producer, and importers of pornographic material. Thus, under this Bill anyway, the owner of a convenience store who sells or rents a cassette and probably makes a few cents profit would be treated just like the producer or importer of pornographic material. We know that those people make big profits, etc..

I think that it would be necessary to make such distinctions in addition to those we suggested a while ago.