

*Private Members' Business*

member voted in favour of the enshrinement of the Canadian Charter of Rights and Freedoms.

We are not alone in attempting to deal with this concern. The Attorney General's Commission on Pornography in the United States recently supported an attack on pornography. In its final report it concluded that the problem was in some ways getting worse.

In Canada, the Criminal Code has contained provisions against the sale and distribution of obscene material for a number of years. Other federal legislative provisions deal with it as well. For example, the customs tariffs have prohibited the importation of materials of an immoral or indecent character. Provincial legislators have created censorship laws and bodies to enforce them and municipalities have regulated the sale and display of obscene publications within their jurisdiction.

However, the legal scene has changed since the charter came into force in 1982, enshrining as fundamental freedoms in section 2(b) the "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication".

Chief Justice Dickson recently wrote that freedom of expression was entrenched in the Constitution "so as to ensure that everyone can manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream".

In our consideration of the issue of pornography, as with many other issues in Canadian life, the charter has created a number of situations in which values must be weighed against one another and a policy developed that will meet our concerns about a social problem while at the same time respecting the fundamental freedom of others. This weighing process must take into account not only the situation of a person attempting to sell hard core pornography, but also other concerns such as artistic or literary merit and the needs of the scientific and medical communities for technical literature that might in other contexts be considered obscene.

This bill would, for instance, prohibit the mailing of a book containing reproductions of some of the greatest works of art. The legislators will attempt this reconciliation of values and interests.

The problem with this proposed bill is that it attempts to deal with a very difficult problem. I commend the hon. member for introducing this bill because it is a difficult problem. But I believe it is being dealt with in a piecemeal fashion.

We must bear in mind the importance of this fundamental freedom and the careful balance that must be made in attempting to reduce its protections. In that it has not fully balanced considerations such as the one that I mentioned about artistic and other community values, I say that this bill is premature. I strongly suggest that this is a matter that should be reviewed in full and in detail by the Minister of Justice as part of a complete package before any legislative action is taken.

I would ask that the Minister of Justice proceed to give us a legislative package that we can work on.

**Mr. Ken Atkinson (St. Catharines):** Mr. Speaker, I rise to enter this debate on Bill C-300, introduced by the hon. member for Renfrew—Nipissing—Pembroke. I also acknowledge the incident that the hon. member set forward as the reason for his letter and his bill. We can certainly understand the unsolicited nature of the material that was sent to these particular residences.

It seems though that the unsolicited nature of the material arriving is more to the point than the actual definition of obscenity that the hon. member has put forward in this particular piece of legislation. The difficulty that I have with the Private Member's Bill is the definition that is put forward in this particular piece of legislation.

The matter of obscenity is one that has consumed individuals and legislators for quite some period of time in order to find the balance between what is acceptable and would allow artists and other individuals to have the freedom to express themselves. On the other side of the coin is what society abhors and would not want to have our children and other individuals see.

It is obviously a matter of censorship and where do we draw that line. It is something that has been going on for ages and it will continue. It is something with which we will deal. There was an attempt in the last Parliament to deal with certain aspects of it.

Section 168 of the Criminal Code provides:

168. Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene,