

June 18, 2008

FOR USE IN COMMITTEE

MOTION

Bill C-10
(39th – 2nd)

Clause 120
Pages 346, 350, 351 and 353

Moved by

THAT Bill C-10 be amended in clause 120,

(a) on page 346, by replacing lines 33 and 34 with the following:

“(b) the making, distribution or public exhibition of the production would not constitute

(i) an offence under the *Criminal Code*, in particular, but without limiting the generality of the foregoing, the provisions dealing with child pornography and hate propaganda, and

(ii) pornography as provided for in section 1106 of the *Income Tax Regulations*.”;

(b) on page 350, by replacing lines 38 and 39 with the following:

“under which the conditions in paragraph (a) of the definition of “Canadian film or”;

(c) on page 351, by replacing lines 1 to 3 with the following:

“are satisfied.

(8) The Minister of Canadian Heritage shall not determine that a Canadian film or video production does not satisfy the conditions in paragraph (b) of the definition of “Canadian film or video production certificate” in subsection (1) except after consultation with the Minister of Justice.

(9) If, pursuant to paragraph (b) of the definition of “Canadian film or video production certificate” in subsection (1), the Minister of Canadian Heritage declines to issue a Canadian film or video production certificate, or if the Minister does not issue a certificate in a timely manner, the producer of the proposed film or video production may apply to the Federal Court, pursuant to Part 5 of the *Federal Courts Rules*, for a declaration that the making, distribution or public exhibition of the production does not contravene any provisions of the *Criminal Code* or is not pornography as provided for in section 1106 of the *Income Tax Regulations*.”; and

(d) on page 353,

(i) by replacing lines 6 and 7 with the following:

“(ii) the making, distribution or public exhibition of the production would not constitute

(A) an offence under the *Criminal Code*, in particular, but without limiting the generality of the foregoing, the provisions dealing with child pornography and hate propaganda, and

(B) pornography as provided for in section 1106 of the *Income Tax Regulations*.”, and

(ii) by replacing lines 23 to 26 with the following:

“graph (a)” in subsection 125.4(7) of the Act, as enacted by subsection (12), is to be read as a reference to “subparagraph (a)(i)” and the reference to “paragraph (b)” in subsections 125.4(8) and (9) of the Act, as enacted by subsection (12), is to be read as a reference to “subparagraph (a)(ii)”.”.