

Criminal Code

they cannot keep these incidents of blatant prostitution solicitation under control.

It is my understanding that some Members of Parliament have concerns about the human rights issues related to Bill C-49. May I say to them most strongly: please look at this most important legislation in the broadest sense: The rights of all citizens who live within the law must be protected. Human rights must be relevant to lawfulness. Those who live outside the law should not have rights which take precedence over those who live within the law.

It is signed by William S. Smeaton, Mayor.

Let me say, Mr. Speaker, that many times parliamentarians complain that what goes on in this Chamber does not matter. They feel it is not reported and is of no concern. But I assure them that this is a very important debate. The people of Niagara Falls, Calgary, Halifax, Vancouver and Toronto do not want this debate prolonged. They do not want to see a filibuster on this Bill. Indeed, I will be presenting a petition this afternoon from 2,000 residents of Niagara Falls, who have expressed the sentiments of tens of thousands of residents of my home town. They want Bill C-49 passed immediately by this Parliament. I believe the sentiments expressed in the petition are sentiments which are shared by our citizens right across this country. I believe that parliamentarians would be doing a service to themselves and to everyone in Canada if we expedited the passing of Bill C-49.

Mr. Robinson: Mr. Speaker, I have a brief question for my colleague, the Hon. Member for Niagara Falls (Mr. Nicholson). He has certainly been very eloquent in expressing the concerns of the residents of Niagara Falls with respect to the very serious problem of street soliciting in his community, and I recognize that concern. But why is it that the Hon. Member believes that we should support and in fact immediately pass legislation which does not just deal with the problem of street soliciting? That is the only concern he has addressed, and quite properly so, in his remarks. Why is it that the Hon. Member believes we should in fact pass a piece of legislation which deals with any form of communication in any public place anywhere in Canada?

I suggest that none of the Hon. Member's constituents have raised as a great concern the possibility that there may be an offer of solicitation in a bar, pub or other public place. The concern raised by the Hon. Member for Niagara Falls is about street soliciting in public places. Section 195.1(1)(a) and (b) deals with stopping or attempting to stop motor vehicles and impeding the free flow of pedestrian and vehicular traffic and so on. Paragraph (c) even refers to stopping or attempting to stop any person. Why does my hon. friend believe it essential that we go beyond the concern of dealing with street soliciting to any form of communication, not just on the streets but in any public place anywhere in Canada?

The Hon. Member referred disapprovingly to the recommendation of the Fraser Commission that the legislation require more than one occasion of standing, stopping, wandering about or driving through a public place. He suggested that that is encoded in the existing law. With respect, that is simply not the case. The Supreme Court of Canada said that repeated approaches to different people are not covered by Section 195(1). That is a problem.

There is no such suggestion in the proposal of the Fraser Commission. Indeed, the proposal of the Fraser Commission explicitly deals with repeated approaches to different individuals. I do not buy the argument of the Hon. Member with respect to more than one approach.

I have in effect a double-barrelled question. Why is there this sweeping extension into any public place anywhere in Canada when the Hon. Member's reported concern is street soliciting? Second, what is the Hon. Member's real concern with the proposal of the Fraser Commission in this area?

Mr. Nicholson (Niagara Falls): Mr. Speaker, the Hon. Member wants to know why I support the proposition that this offence be related to any public place. Why drive it off the streets into the bus stations? We do not want soliciting in the bus stations, in the parks, on the sidewalks, the streets, or any public place. The Hon. Member for Burnaby (Mr. Robinson) is very correct when he says, what sort of behaviour we are trying to control is spelled out very clearly. He mentions a communication anywhere in Canada. Well, it is communication for the purpose of engaging in prostitution or obtaining the services of a prostitute. That is what this legislation is directed towards. I believe that is the problem it will control.

The Hon. Member wants to know why there is an urgency with respect to this particular element of prostitution, street soliciting. The Minister of Justice (Mr. Crosbie) has indicated that this Parliament is prepared to deal with the other aspects of this problem but there is an urgency because the police have lost control of the streets. When the legislative committee meets I hope one of the superintendents of the Niagara Falls police will appear and I believe he will say the same thing. The police cannot control that problem and all the associated problems. In fact, in many cases the prostitutes welcome police surveillance because they feel it makes it even safer to do business. It is basically legal to solicit in Canada and now they will have police protection. Because the police have lost control of the streets it is very appropriate that Parliament comes forward with Bill C-49 which deals directly with a problem which affects so many people in my community, the Hon. Member's community and in hundreds of communities across Canada.

Mr. Nunziata: Mr. Speaker, what causes me considerable concern with respect to Bill C-49 is the civil libertarian aspect and the possible abuse by the police of this particular section. I am concerned about that the powers which would be given to the police forces in the country and the innocent people who might be subjected to harrassment. I would like to ask the Hon. Member first whether he feels that this particular piece of legislation gives too much discretion and power to the police? Would the Hon. Member not agree that this particular piece of legislation could result in innocent persons being harrassed by police officers?

Mr. Nicholson (Niagara Falls): Mr. Speaker, I believe this section will be treated like other sections of the Criminal Code. There is always the possibility with every single section of the Criminal Code that there could be police abuse. I have spoken