

Criminal Code

I visited Vancouver a month or so ago and I was delighted to be able to explain to the people of Vancouver what and who had held up the Bill last June. I delighted in explaining to them the ferocity of the reaction of the Minister of Energy, Mines and Resources who was extremely angry because I could not get the Bill before the House and passed last June. She is a formidable woman, I can assure you, and I believe she is going to speak today.

I hope we will have a constructive debate. It is a specific problem, one of nuisance. We all know that we are doing today will not resolve the problem of prostitution as a whole, but it will protect ordinary law-abiding citizens. It will enable those who represent our citizens, particularly in our metropolitan areas, to regain control of the streets. It is not a Bill which affects us in Newfoundland. Of course, we do not have this kind of activity in Newfoundland. But I am glad to be here on behalf of the people of Newfoundland to help the mainlanders resolve this pressing problem.

Some Hon. Members: Hear, hear!

Hon. Bob Kaplan (York Centre): Mr. Speaker, I believe it is appropriate for us to begin with this Bill as we return from the summer break. It is an important subject and it is certainly time for Parliament to deal with it. The municipalities have tried to cope with the problem but they do not have the constitutional authority to do so. This is the place for that and I am glad that now is the time for Parliament to address the subject.

On behalf of my Party I can say that we are looking forward to a short debate. We certainly do not intend to prolong it. We are looking forward to the committee hearings and to action being taken; however, as I will indicate in a moment, we have some extremely grave reservations about the way the Government proposes to deal with the problem of street soliciting. I was astonished, I confess, to hear the Minister say that he has not heard any valid reservations over this legislation. I would remind him that this past weekend at the meeting in Yellowknife of the Canadian Federation of Municipalities practically the whole of the time was spent discussing the Minister's Bill. The municipalities are in the front line, they are more aware of the problem than anyone else, and they expressed their reservations about the solution the Government has put forward.

I would like now to say a word about the background of this Bill and the deteriorating situation in the streets of our cities which has led to the necessity for legislative action. The Minister outlined very well the legal developments since the Hutt decision in the Supreme Court of Canada which found that pressing and persistent behaviour was required in order to obtain a conviction under Section 195.1 of the Criminal Code. Since 1978 there has been a problem in our streets, one which has been steadily deteriorating. When the former Government established the Fraser Commission, it did so after a lot of national debate about how serious the problem was. When the Commission was established, the problem had become very serious and something had to be done about it. This was

confirmed by the public opinion polls to which the Minister referred.

What were some aspects of the problem? The issue on which the Minister focused almost exclusively was that of the nuisance in the streets. That is not the whole of the problem but it is certainly a very serious part. The Minister is right, our communities are entitled to legislation which removes street prostitution from being the visible nuisance, humiliation, harassment and embarrassment which it represents. The Official Opposition agrees with that. We also agree that the spectacle of street prostitution has increased the volume of prostitution in our society. There is no doubt about it; people, young people in particular, when they see this activity, can find role models and apparent solutions to the problem of earning a living and establishing a lifestyle. I believe that if we can find a method of reducing or removing street prostitution, we will also reduce the absolute amount of prostitution and save many young people who would otherwise, by the dynamics which have been described, be attracted to and sustained by prostitution. Furthermore, the street prostitute is exploited, and this is a serious factor. The domination and exploitation of women and young people has been increased by the fall-out from the Hutt decision in the years since 1978. As well, drugs have been infiltrated into this picture and organized crime has exploited the situation. All in all, there is, to the minds of those in the Official Opposition, a serious problem which needs to be addressed by Parliament now, and we are pleased that the Government is taking the opportunity to do so.

The Minister summarized the state of public opinion very well by reading from page 540 of the Fraser Commission Report. I will not read it again, but the fact that he read from it shows that he is aware of the report, and I hope that when the Bill goes to committee we can attract members of that commission to come forward and give us the benefit of their experience in analysing the problem. But to those who appreciate the Minister's recognition of the Fraser Report, it is worth pointing out that he overrides and rejects totally all of the important insights that the members of that Commission developed about the problem. In reading the report carefully, I have the feeling that they will be the first to attack and condemn the so-called solution which the Minister has put forward, and I hope he will take their concerns as seriously as he took their observation that the public deserves to be protected from street prostitution.

Given the Government's recognition of the problem, I would say that the solution proposed is a bankrupt and hypocritical one. It can be characterized almost literally as a band-aid solution. It is like putting a band-aid over a very serious social problem. People who look at it from their houses, their front porches, will see that the problem disappears from sight, but it will not disappear in fact. Anyone who considers this legislation carefully can predict that the problem of prostitution will become much worse. I recognize that the total amount will be reduced, and that will be a good thing, but the prostitution which will continue will be pushed into a much worse situation. It is not satisfactory for the Minister to tell us that we