

*Criminal Code*

demonstrated urgent need for this legislation to be immediately adopted, this House may want to await the Government's response to the Law Reform Commission's report. Surely the development of an offence specifically tailored to address peeping Toms, one which would not be limited to persons physically present on the property of another, might be one of the options which might merit consideration. It would not appear to me that creating a daytime offence of trespass is necessarily the most appropriate response to the perceived problem which this legislative measure is intended to address.

[*Translation*]

**Mr. Guy Ricard (Laval):** Madam Speaker, I am pleased to rise in this House today and comment on Bill C-278 presented by my colleague, the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria), which reads as follows:

"173. Every one who, without lawful excuse, the proof of which lies upon him, prowls upon the property of another person near a dwelling-house situated on that property is guilty of an offence punishable on summary conviction."

This is an amendment of Section 173, which now reads:

"173. Every one who, without lawful excuse, the proof of which lies upon him, loiters or prowls *at night* upon the property of another person . . .

This means that emphasis is put on the difference between day and night. Obviously many offences are committed at night, Madam Speaker, and it is easy to find out who is on private property at night and who is not supposed to be there. Compared with the daytime, it is much harder because normally everyone in large urban centres is working during the day and completely harmless or innocent people may then be arrested or accused of loitering or "scrounging around."

I agree with the Hon. Member for Glengarry—Prescott—Russell that such offences are committed during the day as well, but I still have a problem. I would be willing to support his Bill, if distinctions could be made to define daytime and nighttime offences. For instance, Madam Speaker, in larger urban areas, many children go to play next door, on private property. How do we explain that those children are not loiterers or peeping Toms? There are public employees, such as electricians who have to climb hydro poles in our cities to do repairs. If they happen to be right opposite a window on the second floor and the shades are up, they could be accused of voyeurism. Now how can we accuse these people of something they never even thought of doing? They are just doing their job! And when the baker, for instance, rings the doorbell and the babysitter happens to open the door, and she doesn't know the baker, how is she supposed to know the man is a baker and not a loiterer? The same applies to the milkman and to the garbage pick-up crew. If people go down the street and happen to look into a window, they could be accused right then and there. I am of course referring to people who work during the day. At night it is a lot easier, as the Hon. Member said earlier. The light is on inside, while it is dark outside. So these people are on someone else's property for a very specific purpose, and no one is going to deny that. During the day, however, it is not as clear cut.

I wonder how we are going to be able to make those distinctions, and how this provision can be enforced fairly. A lot of offences are committed in broad daylight, and I am not just referring to peeping Toms. For instance, in the city and in broad daylight, while people are on the patio or near the pool, burglars break into the house. This does happen, and we must find a way to prevent it. But I don't think we should have to amend a section of the Criminal Code to give it more "teeth" in order to stop these things from happening. In fact, I think we need some kind of public awareness program. In several cities like Laval, for instance, there is an anti-burglary program called *Prévol*. It is a kind of information network. There are a number of lookouts, there are area leaders, and the neighbours around each area leader.

Early each week, area leaders send each of their individual lookouts the following message: Last week, some thieves broke into a number of homes by using such means as smashing doors or basement windows. They circulate this information, so that people can better protect themselves and prevent this type of break-ins. Something similar could be used to stop peeping Toms, without having to amend the Canadian legislation.

It is a fact that it is not easy to implement such programs or have people accept them, because they already find awareness programs disturbing, and that is the whole tragedy. They would like to have everything, without having to make an effort to get it, and they would like the community to foot the bill. Madam Speaker, instead of using the time of the House to debate a bill which, in principle, seems to me to be logical, except that it would be difficult if not outright impossible to implement, I feel rather that each and everyone of us should act in our respective ridings—since the phenomena described by my friend the Hon. Member for Glengarry—Prescott—Russell does not exist only in his riding, although we could say so if we wanted to make political gains, but it exists from coast to coast, and not only in our own backyards.

Perhaps we should use all the means at our disposal to discourage this type of day or night activities. Of course, Madam Speaker, the three levels of Government, federal, provincial and municipal, would have to co-operate; we need to rely on their contribution. At the municipal level, and I mention again the City of Laval where such a program already exists, the police force is already working in close co-operation with all the other organizations involved in fighting these activities. For instance, the police force co-operates with *Prévol*. It co-operates also with the Block Parents organization. In the province of Quebec, everybody knows about Block Parents and I suggest there is an enormous need for this kind of protection for our children and our homes. The police forces and all civil protection organizations, in both large and small communities, have the duty to co-operate and they do it gladly.

Concerning the bill we are dealing with today, Madam Speaker, I say there should be consultations, beginning with the larger communities, to set up such an organization which could contribute very quickly, much more quickly than federal