

*Criminal Code*

on the street or in some other place. They will find a victim to prey on as long as there is prostitution.

As we all know, Mr. Speaker, we have always had prostitution. Therefore, I do not think the argument is sound that if we pass this Bill the dangers which arise from pimps and customers will increase. That danger is always there.

I mentioned previously, Mr. Speaker, that we do not propose to pass this legislation and then to forget it. We must all be concerned about the rights of free speech and association, the right to be on the street and all of the other rights about which we are concerned. It is a delicate area and no one can be sure just how the legislation will be interpreted. That is why we have a provision for a review after three years.

Some people have suggested, and I believe wrongly, that this Bill will infringe upon the rights of free speech and association which are guaranteed in the Charter. We all know that the rights of free speech and association are not absolute. They are constrained by limits which are imposed in order to ensure that the freedom of one person does not violate that of another. I do not think we can argue that just because one person has the right to be on the street it gives them the right to violate the rights of others. No one has an inalienable right to offer to sell or purchase sex on the streets. There is certainly no such inalienable right in the Charter of Rights and it is not marked anywhere that I have ever seen. There is no inalienable right to sell sex on the streets of this country and if this Bill is passed, Mr. Speaker, it will be positive proof that there is no such right. When the consequences of that kind of conduct becomes intolerable to the community, then parliament has a responsibility to act. We have a responsibility to the people who are affected in Vancouver, Calgary, Toronto, Halifax and Niagara Falls. They have a right to have us act on their behalf, and that is why this legislation is before the House.

I touched on the question of juvenile prostitution. I believe this Bill may be of some assistance in doing away with the high visibility of juvenile prostitution which attracts troubled youths to that practice. I believe that rather than increase the dangers from pimps and the like, it will have the other effect with respect to juvenile prostitution and should be of some help in making prostitution less attractive to those youths who may be heading in that direction. The new law, we hope, will help to salvage young prostitutes by removing them from the streets. Second, if they are removed from the streets, they no longer will be role models for other troubled young people who might view that kind of lifestyle as an acceptable and easy way to make a living.

I mentioned earlier, Mr. Speaker, that the customers who solicit in public will be committing an offence under this Bill. The customer who solicits the services of a juvenile prostitute will, of course, be subject to prosecution. I think the knowledge that they can be charged themselves with attempting to pick up a young prostitute on the street will discourage those who have such propensities. It will certainly make it a less attractive proposition.

In 1983, the Standing Committee of the House of Commons on Justice and Legal Affairs in its report on street soliciting

for the purpose of prostitution did recommend the creation of a new offence of offering or accepting an offer to engage in prostitution with a person under 18 years of age. However, we did not think that this approach would be a workable one. The Fraser Commission also adopted this type of approach. However the Badgley Commission went even further. It suggested that it be an offence for a young person to be a prostitute whether or not he or she solicits for the purpose of prostitution in a public place. That proposal would raise problems, Mr. Speaker, because it might offend the equality provisions of Section 15 of the Charter that guarantees every individual equality before and under the law and equal protection and benefit of the law without discrimination based on age. However, that can be discussed at a later time. The Badgley Commission recommendation on juvenile prostitution was not adopted by the Fraser Commission.

I have not yet heard any argument against this proposed legislation that is convincing in any way. This is a serious problem which has not been dealt with for too long. I will not mention who might have to accept any blame in that connection. Our Party has been in office now for a year. We introduced this legislation on May 2 last following receipt of the Fraser Commission on Badgley Commission Reports. We did attempt to come forward with this legislation last June but—and I do not believe I am over-emphasizing when I say this—the official critic of the New Democratic Party was not keen on this legislation. It may be that he will even be in opposition to it today. But I hope will have a reasonable debate which I feel could be completed in a day or two at the most. The Bill would then go to a committee which would hold hearings, representations would be received and, hopefully, we could have this piece of legislation passed in the next several weeks.

When this legislation goes to committee, I would not like the committee to, as we say in Newfoundland, “get into the fat”. In Newfoundland when they go to a seal hunt, they “get into the fat” and they stay in the fat for many weeks or months. I hope that if this suggested legislation goes to committee, the legislative committee will deal very promptly with it and report back, because that is what is wanted by the citizens of Vancouver, the Niagara Peninsula and Toronto and all those who want to see their streets given back to the law-abiding citizens.

• (1140)

Those who want to see their neighbourhood cease to be despoiled, those who no longer want the traffic jams, the leering, the sneering and the soliciting, expect this Bill to be dealt with in all stages and passed over the next few weeks. The police have that hope and expectation as well because their hands have been tied in dealing with this problem certainly for the last five or six years, and really since 1978. I hope there will not be any attempt by the Opposition to straddle the issue by supporting second reading of the Bill and then coming up with a thousand equivocations and disputes in the committee stage, trying to hold up the Bill by way of the threat of a filibuster or the like.