

*Criminal Code*

by the Supreme Court of Canada on the basis that the real character of that by-law was an attempt to control prostitution and that this was a function of criminal law that falls exclusively under federal jurisdiction. Montreal has passed a similar by-law which was also quashed by the Supreme Court of Canada. Montreal then imposed a further by-law which was directed at the sale of any service on public streets and that by-law withstood challenges in the lower courts. The City of Vancouver took a different approach and it eventually got an interim injunction to prevent street soliciting in certain areas. However, in Halifax, the same solution was attempted, but the court there rejected the attempt of the Province of Nova Scotia to obtain an injunction such as that which was obtained in Vancouver. Thus, it is a consensus of officials who are responsible for law enforcement, the mayors of the major cities and many community groups in the country that changes to the Criminal Code are required. Of course, the Fraser Committee has agreed in that respect as well.

● (1125)

This is an area in which there appears to be consensus in the minds of the public. The Fraser Committee had a national population survey conducted in 1984 to do with prostitution. This public opinion survey showed that 84 per cent of those surveyed found street prostitution unacceptable and that 71 per cent believed the police should be given more power to control adult street prostitution. I think it is clear that the Canadian public wants action taken in connection with street soliciting.

We know, and I acknowledge, that prostitution will not disappear as a result of these amendments. The amendments are not designed to attempt to make prostitution disappear. Prostitution is something that has been with us in society for as long as we have had organized societies. I suppose that is thousands of years. The prostitute has been with us just about as long as the judge has been with us. These are probably the world's two oldest professions. I am not suggesting we are dealing with other problems of prostitution. Later this fall, hopefully, we propose to introduce other legislation which will deal with different aspects of the prostitution problem, pornography and the like.

We have received two very complicated reports which deal with sensitive areas of human life. They are the Badgley Report and the Fraser Report. Both deal with areas not just of federal jurisdiction but areas of provincial jurisdiction. We have to consult with the provinces and many other interested groups across the country, which is why it is taking some time to formulate a response to those two reports and all the very sensitive and complicated matters with which they deal.

The Bill before us is here to remedy a specific problem which the public in our major cities wants dealt with. They want it dealt with now. They have been waiting far too long to have it dealt with. In fact, they have been waiting since 1978 and they do not propose to wait any longer. Since we have Hon. Members who are intensely interested in seeing this matter resolved, such as the Hon. Member for Vancouver

Centre the Hon. Member for Niagara Falls (Mr. Nicholson), and other Members from our large city constituencies, we are dealing with it. I hope that the House will deal with it quickly at this stage.

We believe that the public should be able to use the streets free from harassment, not only by prostitutes, but by their customers. We think residential neighbourhoods should be protected from the problems associated with street prostitution, which certainly diminishes the quality of life in these areas.

One of the principal purposes of the Bill is to preserve and protect the urban environment from this blight. However, I suggest it will also have the benefit of reducing the opportunities available to young people to become involved in prostitution. We all know that the street life attracts new participants. The number of prostitutes engaged in the trade, and their customers, when you see them on the streets of Toronto, Vancouver, Halifax, or wherever, is visible evidence of the fact that there is money to be made in pursuing these activities with relatively little effort. One who may be a runaway, or whatever can easily see where this activity can be engaged in and how he or she can engage in it so long as street soliciting is allowed to continue unimpeded, as it is at the present time. The number of prostitutes in the street will continue to increase as long as there is a sufficient supply of customers. More customers are attracted to the street scene because of the availability of prostitutes. The cycle can be broken, I suggest, if the law provides an effective deterrent to both the customer and the prostitute. The customer who is faced with the prospect of arrest and prosecution is certainly going to be less likely to drive downtown to seek out a prostitute. A diminished supply of customers is going to make the business less attractive to those who now make their living from it.

● (1130)

Some people argue, Mr. Speaker, that if the prostitute is forced to conduct his or her business elsewhere than on the street, they are going to be unprotected from the exploitation and violence of customers and pimps. I cannot see the connection, Mr. Speaker. The prostitute today is relatively unprotected from violence and exploitation by customers and pimps whether or not he or she solicits on the street. That is the terrible risk that anyone takes who engages in the business of being a prostitute. One never knows when there will be a customer who will turn out to be a monster and the fact that one solicits a customer on the street or privately somewhere else is not going to do away with that danger. The pimp is not there because there is soliciting being carried out on the streets. The pimp is there because of the nature of prostitution, because of the loneliness and the desperate state of many of the women who engage in prostitution and who feel they need protection, companionship or whatever. It is not because they are soliciting on the street that they feel they need a pimp, nor is the pimp there because the prostitute is on the street. He is there because he is a vicious and depraved type who is going to prey on whoever he can whether it happens to be a prostitute