

soliciting under the Criminal Code. Has the minister had an opportunity to consider those representations, and if so, is he prepared to introduce amendments to the appropriate section of the code?

Senator Flynn: Honourable senators, I think my comments regarding that matter have appeared repeatedly in the press.

Following a decision of the Supreme Court of Canada, where it was decided that evidence of soliciting required that the solicitation had to be pressing and persistent—

Senator Croll: It usually is.

Senator Flynn: Yes. The chiefs of police in large centres such as Vancouver, Calgary, Edmonton, Toronto—

Senator Croll: No.

Senator Flynn: Yes, Toronto as well. The Toronto chief of police was firm in his attitude, as was the Montreal chief of police. They asked that the particular section of the Criminal Code be amended to provide that soliciting need not be pressing and persistent. In fact, a bill was introduced in the last Parliament which would have provided that a motor vehicle was a public place. I expressed my opposition to that kind of amendment because it would mean that if a person simply winked at somebody, that would be an offence under the Criminal Code.

As was pointed out by the Canadian Association of Chiefs of Police, the problem is not so much one of soliciting as it is of the nuisance aspect of soliciting. In other words, the citizens of those areas where soliciting takes place consider it a nuisance, and there is no doubt that it is. However, whether it is something that should be dealt with in the Criminal Code is another matter.

As a result of the representations of the chiefs of police, I agreed to consult with caucus and listen to any representations on the matter from any source, following which I would make a decision. I did say I would not consider myself bound by the opinion of caucus, or anyone else. That is the only assurance I gave to the chiefs of police.

Given that the problem is the nuisance nature of soliciting, the question becomes one of whether to leave the particular section of the Criminal Code, which requires evidence of pressure and persistence, as it is; whether to follow the advice of the Canadian Association of Chiefs of Police; or whether to remove the matter from the Criminal Code and place it in the hands of provincial and municipal governments, which can deal with it through bylaws, in the same way that illegal parking is dealt with. This is something I shall try to resolve in due course.

Senator Bosa: I have a supplementary question. Would the minister consider having the matter referred to the Standing Senate Committee on Legal and Constitutional Affairs which could then call witnesses, thus enabling honourable senators to be well informed as to the full implications of any amendment to the Criminal Code in this respect.

Senator Buckwold: I can suggest a couple of good witnesses.

[Senator Bosa.]

Senator Flynn: Solicited or soliciting? In any event, any honourable senator may move a motion that the matter be referred to committee. I do not intend to do so. I think honourable senators are aware of the legal implications of the problem. Of course, if the matter is referred to committee, I would not refuse to appear.

Senator Frith: Could we say, then, that the minister does not think the problem is a "pressing and persistent" one?

Senator Flynn: Well, certainly not as far as the Criminal Code is concerned.

NATIONAL DEFENCE

PURCHASE OF NEW FIGHTER AIRCRAFT

Senator Flynn: Honourable senators, I have a reply to Senator McDonald's question of November 29 last with respect to the purchase of a new fighter aircraft for Canada. Specifically, Senator McDonald inquired as to the cost to date of the procurement and selection of a new combat aircraft.

The source selection phase of the new fighter aircraft program—which began with the cabinet decision of March 1977—has been an unfunded competition; that is to say, the government has in no way funded the competitors' efforts in presenting their offers to Canada. The only costs accruing to the government, therefore, are those resulting from the operation of the interdepartmental NFA Program Office, which costs include salaries, statutory expenditures, management and travel costs, and Department of Supply and Services revenue dependency charges. The expenditures totalled \$1,268,563 through to the November 1978 short list decision, and \$2,199,301 since that date.

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Senator McDonald also wanted to know whether the government intended to change the role of the Canadian wing stationed in Baden-Solingen, West Germany, in order to meet the capabilities of the new aircraft. Regarding any Canadian government intention to change the role assigned to the Royal Canadian Air Force group stationed in Baden-Solingen, the Minister of National Defence can say that planning is based on a continuation of the tasking currently assigned to our Starfighters in Europe, that is, a primary air-to-surface role and a secondary air-to-air role. This tasking ratio may be adjusted before the end of the phase-in period for the new fighter aircraft depending on the evolving threat, consultation with Canada's NATO allies and other circumstances. The flexibility inherent in the NFA will permit such adjustments in tasking to be made with ease.

As for the expected delivery date of the new aircraft, the initial delivery date depends upon which aircraft is selected. The first CF-16 would be delivered in July 1982, and the first CF-18 would be delivered in October 1982, a difference of approximately three months.

Finally, Senator McDonald asked about a defence policy review prior to the purchase of new aircraft. The Minister of National Defence has indicated to the House of Commons