changes are important and, generally speaking, are in the right direction, they do not meet the need for fundamental reform of the criminal law of this country. There is much more to be done and these changes are concerned only with incidental matters. We must make our criminal law modern, up to date, compassionate and remedial. We have so far not succeeded in using the criminal law for the purpose which justifies it, including changing the attitude and conditions of those who tend to criminal acts.

The members of the law Reform Commission, which was created by parliament, have now been appointed, with Mr. Justice Hartt as chairman. I believe it is admirably qualified to suggest fundamental changes to his House and I certainly hope it will do so. I am thinking of the field of law that applies to insanity in criminal cases. In this regard we still observe the M'Naghten rules enunciated, if I recall rightly in 1848, although the wording in the code is not identical to the rules, when there was no real understanding of mental conditions and so on such as we have today. This is a field in respect of which I hope the Law Reform Commission will make suggestions.

Perhaps I should not deal with detail, but one cannot discuss principles without reference to some particular provisions. May I comment on Clause 4 of the bill which deals with appeals in respect of convictions for contempt of court. It always seemed to me an extraordinary thing that a single judge could sentence someone to a rather serious punishment for contempt of court, and yet only the question of punishment could be considered on appeal. We live in an era in which some people believe in confrontation. We live in an era when courts sometimes use intemperate and harsh language, and we have seen recent examples fo this. I support this part for use in dealing with persons who have made some angry remark in the heat of the moment, perhaps provoked by the language or attitude of the court itself, because that ought to be reviewable by a higher court. I am very pleased to see that clause 4 provides that where a court, judge, justice or magistrate summarily convicts a person for contempt of court, whether committed in the face of the court or otherwise, an appeal exists from that conviction for contempt of court.

I also welcome the provisions of clause 6, and the following clauses which deal with the question of hijacking. I am not going to make any elaboration on this particular matter, as it is a technical one, but this particular provision follows the international rule. I should like to take advantage of the opportunity by saying it is an example of the development of the international community, and that our criminal law must sometimes take note of the fact that we are living in a so-called global village. Laws which are made in this country and other countries for the security of people against hijacking and acts of violence of that sort, have to take on some international aspects. This particular provision has our support for that reason.

Another clause I think deserves commendation, and this has been referred to by the hon. member for Broadview (Mr. Gilbert) and I think also the hon. member for Vancouver-Kingsway (Mrs. MacInnis), relates to the repeal of those provisions dealing with vagrancy and prostitution. The removal of these particular provisions from the Criminal Code is long overdue. Prostitution has been a part of life for a very long time. The criminal law has totally failed to deal with it in any sort of way. As the hon. member for Vancouver-Kingsway said, our law has been applied in a way that is grossly discriminatory on the basis of sex with regard to this particular offence. We welcome the removal of that from the Criminal Code.

• (1220)

I was almost tempted to enter into a private conversation with the hon. member for Edmonton West (Mr. Lambert), but I will not do that. His comments are interesting. Perhaps he will make them later.

Another provision I was delighted to see is the one related to a conviction for a driving offence Now, the suspension of driving privileges does not have to be an absolute suspension, but can be a suspension limited to certain times and places. I have often had people come to me whose livelihoods depended on their being able to drive and who have been subject to a mandatory suspension of their licences. The penalty there has been tremendously enhanced, not only as far as the individual is concerned, but often his family. In effect, their whole livelihood has been taken away in addition to the penalty normally and directly imposed for the commission of the offence. This will be a great relief to many families. It deserves to be commended.

I do not feel equally satisfied with the amendment proposed in clause 22. This increases the penalty for assault on a peace officer or police officer from two to five years. This is going in the wrong direction. We all know that in this age of confrontation, there is a need to protect our peace officers and others from interference and obstruction in the course of duty. There is a serious problem involved in connection with this field, but it is a delusion and a mistake to think that the problem can or should be dealt with by increasing the severity of sentence. That goes against the direction in which we should be looking. People in association with police officers who are conscious of the difficulties in their own job think the severe penalty acts as a deterrent. They are wrong and this parliament should not accept that approach because it just does not work.

I rejoice, as do others in this House, at the clause in the bill which repeals sections of the act which deal with the added penalty of whipping in addition to other punishment. I quite agree with the minister and others in this House that this has a brutalizing influence. Expert criminologists say it has no effect on deterrence and, indeed, a sentence of whipping tends to aggravate the criminal tendencies of anyone so sentenced and creates a resentment that is later borne out by the commission of other offences.

Another clause that should be very carefully considered by the committee is clause 62 which deals with a stay of proceedings. As I understand it, this enables counsel instructed by the Attorney General to direct a stay of proceedings in summary cases. I believe this device has been abused, particularly in the courts of British Columbia, with regard to indictable offences. It enables a charge to be partially, but not totally, withdrawn and left over the head of an accused with the right to recommence the proceedings at some future date. If the Crown or