

*Criminal Law Amendment Act, 1972*

persisted for years and years in putting forward their ideas.

This is a very humane bill, one which responds to many requests for justice by ordinary people. One matter in the bill that I raised in the House several times is that of aircraft hijacking. It is a question of great concern not only to the travelling public but to the airplane crews who have to fly day after day. Although the provisions of the bill are tough and comprehensive, their purpose is really to deter hijacking. As a matter of fact it is my opinion that the purpose of the criminal law is to deter, and if it cannot deter then it should be directed toward rehabilitation.

It is my hope that the provisions of this bill on hijacking will deter and reduce that problem. We know it is a complex problem. Its solution requires the co-operation of other countries. Canada, along with many other countries, has been trying to negotiate treaties which will help in the enforcement of these kinds of provisions. I am very pleased that the government has come forward with these anti-hijacking provisions.

• (2150)

There are other items in the bill which respond to the wishes of hon. members. There is the abolition of corporal punishment, whipping, and there is the clause concerning false fire alarms. Last year the hon. member for Saint-Denis (Mr. Prud'homme) introduced a private member's bill on this subject because a man in Montreal was killed as a result of a false fire alarm. This could be just as dangerous as many other crimes and could involve people in situations where their lives could be endangered, so we are also pleased to see this item. The item which provides for jury duty for women is one which was raised in parliament in recent years by the hon. senator from Fredericton. In the other place she introduced a motion to bring about this reform and she is very pleased to see it in the bill.

One of the outstanding reforms in the bill is the clause which deals with conditional or absolute discharge. A great many people believe that the deterrent effect of criminal justice can be achieved just as effectively by charging a person with an offence, bringing him before the courts and dismissing the charge without any criminal record once the accused has appeared before the judge. This will achieve a great deal because it is sometimes felt that penal institutions only serve to accentuate the criminal behaviour of inmates. I think we can achieve our purpose of criminal justice more effectively with provisions such as this, and I congratulate the minister.

Another reform awaited by many accused in this country is the one which permits the judge to make an order for the prohibition of driving at specified times and places. I know of two cases pending where the accused have requested postponement of their trials until passage of this bill. The individuals concerned need their licences in order to work. They are truck drivers and if they lose their licences they will lose their jobs. This will cause a lot of unnecessary hardship. The provision which allows a judge to take away a licence for specified periods of time, say weekends or evenings, is much better.

[Mr. Allmand.]

I hope the Minister of Justice (Mr. Lang) will deal with another matter which concerns me. That is the provision of legal counsel to people accused of criminal offences. I hope the government will introduce a plan to assist accused persons with legal aid. Ontario has a complete system of legal aid and Quebec has proposed a system which I do not believe is as good as that of Ontario. But a legal aid system for criminal justice right across the country should be introduced soon.

Mr. Speaker, I congratulate the minister and the government for bringing forward this bill which incorporates so many of the ideas put forward by private members.

**Mrs. Grace MacInnis (Vancouver-Kingsway):** Mr. Speaker, I want to make reference only to two matters in the bill at this stage. I have been critical of the slow pace of change made by the government in implementing the recommendations contained in the report of the Royal Commission on the Status of Women, but two of those recommendations are embodied in this new legislation. Reference has been made to both this evening but I want to take a moment to speak about them.

The vagrancy section has been repealed. This was recommended in the section of the commission's report entitled "Women under the Criminal Code". The investigations of the commission showed real sex discrimination in the vagrancy section. When pressed by the public, the authorities have tried to clear the streets of prostitutes. However, many of the so-called prostitutes were not arrested for prostitution at all, but for vagrancy. Men were never picked up for vagrancy and consequently there was discrimination in the code. The commission recommended that section 164(1)(c) of the Criminal Code be repealed. This has been done, and I think the minister has gone even further by making the section relating to soliciting equally binding on men and women. This is a very welcome change in the code.

The hon. member for Notre-Dame-de-Grâce (Mr. Allmand) has referred to the matter of women on jury service. It was a recommendation of the Royal Commission on the Status of Women that women should be given exactly the same conditions of jury service.

May I call it ten o'clock, Mr. Speaker?

#### BUSINESS OF THE HOUSE

**Mr. McCleave:** Mr. Speaker, I would ask the Minister of Justice what the business of the House will be until one o'clock tomorrow afternoon.

**Mr. Lang:** Mr. Speaker, I believe it is the intention to continue with this item, followed by Bill C-6.

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#### PROCEEDINGS ON ADJOURNMENT MOTION

A motion to adjourn the House under Standing Order 40 deemed to have been moved.