

The consequences being so serious so far as deprivation of liberty is concerned, it was felt that the attorney general, who is responsible for the maintenance of order and the enforcement of law in the province, should consent to action against a person in that way and to the production of these psychiatrists, one nominated by the Minister of Justice, with a view to getting a finding that might land the accused in custody for a great many years.

It was thought that the attorney general of the province should give his consent to that. It was never intended that the consent of the attorney general should be required for other evidence, or specifically for the kind of evidence which the psychiatrist gives. It was merely desired that his consent be obtained to the putting forward of that claim by the prosecuting authorities and the production of psychiatrists who attempt to prove that the accused is a criminal sexual psychopath.

Looking at the section, I think there is enough in the criticisms of my hon. friend to justify a little redrafting, and despite the fact that I should like to get it through tonight, I shall have to give the drafting of it a little more consideration.

The other point which the hon. member has raised, as to the definition of "criminal sexual psychopath", I am willing also to reconsider. My hon. friend thinks it is too confined. Legislation similar to this exists in eight states of the American union, and while the definitions vary somewhat, this is the one which was regarded as probably the most suitable.

Naturally, with regard to this entire method of trying to meet this problem, the important factor which we have not discussed much here is the lack of facilities for curative or remedial treatment. I think the legislation has to precede the establishment of such facilities, and I would hope that the authorities might in some way or another try this out to see whether they get anywhere with it. I am told that the results in the United States are not the least bit conclusive. My hon. friend the other day seemed to think they were.

Mr. DIEFENBAKER: I said, in New York.

Mr. ILSLEY: I listened carefully, and I understood him to say that only nine per cent of those who were released proved to be recidivists. A statement like that does not mean very much under a law whereby you need not release anybody. If you released one person and he was not a recidivist your figure would be 100 per cent. None of them should be a recidivist. They are not supposed to be let out until they are cured.

Mr. DIEFENBAKER: There were over 500.

Mr. ILSLEY: The fact that only nine per cent are recidivists does not mean anything, unless you know a great many other facts, and I am told that the results are not conclusive as to the advantage of this way of proceeding. The problem is, however, of sufficient importance to justify some experimentation here.

Mr. DIEFENBAKER: Where does the minister get the definition of "criminal sexual psychopath"?

Mr. ILSLEY: From Massachusetts.

Mr. DIEFENBAKER: Governor Dewey vetoed the bill in which the definition was very wide.

Mr. ILSLEY: I do not think it was on account of the definition that he vetoed it. In any event, we do not get much help from the experience in the United States. It is at a very early stage. Claims are made for certain methods of treatment and so on, and nothing can be proved. What I thought about this legislation was that it enables certain of these persons to be taken out of circulation at any rate and to be given curative treatment which will lead to their release without their being a menace to society. That is the reason I am bringing the legislation forward. A great deal of thought was given to this matter, and this amendment was the best we could do. But in the light of criticisms tonight, I will take another look at the evidence, and I will take another look at the necessity of getting the attorney general's consent to all the evidence which appears to be necessary under this section. It may be entirely impracticable.

The DEPUTY CHAIRMAN: Shall section 44 stand?

Mr. KNOWLES: I wish to ask the minister one question with respect to subsection 6. Do the words "such disciplinary and reformative treatment as may be prescribed by penitentiary regulations" refer to any penitentiary regulations or arrangements now in effect, or do they refer to something that might be brought into effect?

Mr. ILSLEY: Such as will be made; such as may be brought into effect.

Mr. KNOWLES: In other words, there has been no experimentation along that line yet in Canada?

Mr. ILSLEY: No; not that I know of.

Mr. SMITH (Calgary West): I wish to say one word before the section stands, and I hope that the part dealing with the consent of the attorney general will stand forever. It