Mr. LESAGE: He has changed a lot since.

Mr. DIEFENBAKER: I find him to be a most kindly man; but I am speaking of his psychological reactions, of emotions that affect us all. That is why I raise my objection against this section, because I believe it means the first departure from a uniform application of the criminal law everywhere in Canada.

Mr. ILSLEY: I shall not answer the first part of my hon. friend's remarks about there having been no opportunity for reformation, because I cannot accept responsibility on the part of previous governments of Canada for the fact that men commit crimes.

But we have a situation where some persons are apparently going to commit crimes every time they get out and have a chance. The first object of criminal law is the protection of society and this seems to be necessary for the protection of society. My hon. friend says that it will induce a lack of uniformity in the law; he referred to the law of England and undertook to show that the right of the attorney general to direct that no prosecutions take place is there and has been carried into the law of Canada and attorneys general have the right to call off prosecutions. The same principle was incorporated in the British legislation.

Mr. DIEFENBAKER: Why not say the Attorney General of Canada? In England they have only one attorney general and you can get uniformity.

Mr. ILSLEY: That is not our system in Canada. Nothing is more fundamental in our system than the administration of justice and the enforcement of law are the responsibility of the provinces, not of the Attorney General of Canada, but of the attorney general of each province. In England they have passed similar legislation providing that no charge of being an habitual criminal shall be inserted in an indictment without the consent of the director of public prosecutions. They put that in, because it is a serious thing to charge a person with being an habitual criminal, leading a persistently criminal life. They wanted to make it clear that he did not have to be charged with that in every instance, and so they said that the consent of the director of public prosecutions would be required. We are putting in the same provision here in Canada and substituting the only officials we can substitute under our constitution, and that is the attorney general of the province for the director of general prosecutions. That is not peculiar to this act at all. It is worth while to put on record some of the sections where the same principle applies. I will give the numbers of the sections first: Sections 205A, 592, 594, 596, 597, 598, 777 and 825. These relate to various offences with which persons cannot be charged without the leave of the attorney general of the province and, in some cases, the Attorney General of Canada where the matter has some peculiar connection with dominion jurisdiction. Section 205A deals with parading while nude, and so on, and the section concludes with these words:

No action or prosecution for a violation of this section shall be commenced without the leave of the attorney general for the province in which the offence is alleged to have been committed.

Section 592 relates to the offence of disclosing official secrets and provides that no person shall be prosecuted for that offence without the consent of the attorney general of the province or of the Attorney General of Canada. Section 593 makes necessary the leave of the Attorney General of Canada. Section 594 deals with explosive substances and there can be no prosecution without the consent of the attorney general. Section 596 deals with criminal breach of trust—no prosecution without the consent of the attorney general. Similarly for the other sections I have mentioned. So there is a class of offences where no proceedings can be taken without the consent of the attorney general. It is the attorney general who prefers the indictment through his officer, the crown prosecutor. This makes it clear that he is not obliged in every case to prefer this charge. I do not see how you could have it any other way.

Mr. JAENICKE: I wanted to support the hon. member for Lake Centre in his plea to the minister, but the minister has already given his answer. The idea struck me as he was speaking his last sentence, why not change subsection 4 (a) by saying that consent must be obtained either from the provincial attorney general or the Attorney General of Canada. The minister has just read a section where the consent was possible either of the attorney general of the province or the Attorney General of Canada.

Mr. ILSLEY: The Attorney General of Canada comes in where the matter is one in which the dominion has definite concern. Section 593, for example, provides:

No one holding any judicial office shall be prosecuted for the offence of judicial corruption, without the leave of the Attorney General of Canada.

It is the government of Canada that appoints the judges. That is tied up to the dominion. But the ordinary prosecution of criminals is a provincial matter, and I do not think it would be proper for the dominion government to endeavour to project itself