

During the recess the bill has been studied by members of the legal profession in their associations as well as by others, and representations have been made with respect to some of the changes proposed by the sub-committee and certain other provisions of the bill. The government has accepted some of the changes recommended by our sub-committee and by the associations mentioned, and has incorporated them in the bill now before us. In view, however, of the divergence of opinion on other proposed changes, the government has felt that they should not be embodied in the bill to be introduced at this session, but should be deferred until there has been an opportunity to consider them in our committee. Both the changes recommended and accepted and those recommended but not accepted can be considered in detail when the bill goes before the Standing Committee on Banking and Commerce.

I hope that honourable senators will share the view that I have expressed. It should be borne in mind that even those recommendations from the sub-committee which are acceptable to the minister and to the government, were not actually considered by the main committee. In view of all the changes which have been proposed, the matter can, I am sure, be expedited by referring the bill to the Banking and Commerce Committee as soon as possible. I will do everything I can to facilitate progress in this regard.

Hon. A. W. Roebuck: Honourable senators, I must express disappointment that the Minister of Justice has not come to address us at this time, although I quite understand his reasons for not doing so. I thought that some purpose might be served by our listening to what the minister had to say, and by our taking him into our confidence in the matter of objections to the measure. The bill now presented to us contains a number of highly controversial sections, and I believe that some discussion of them at this time would have served a useful purpose.

The honourable senator from Toronto (Hon. Mr. Hayden) and I discussed the matter this morning. We agree that it is highly desirable that this bill go to the committee as soon as possible so that the work that we were doing at the adjournment of the last session may be resumed.

I would not be too sure of my figures, but I believe that some twenty-six of the suggestions made by the subcommittee and reported to the general committee have been incorporated in the text of the bill now before us. I have not yet had an opportunity to find out how accurately or how satisfactorily those changes have been made: that is still a matter for us to look into. I have also checked and found that, roughly, fifteen or so of our

recommendations have not been incorporated in the text. It might serve some purpose to go into these matters, but under the circumstances, particularly as the minister is not here, it might be better to refrain from debate at this time and to refer the matter at once to committee, where we can undertake the laborious job of going through the bill section by section and of preparing a report for the general committee and a report by the general committee to the house. So I shall have nothing more to say at this stage in connection with the matter.

Hon. John T. Haig: Honourable senators, I do not propose to delay the house, and I trust I shall not say anything which will cause a continuation of the debate, because I heartily agree with the honourable government leader (Hon. Mr. Robertson) and the honourable member for Toronto-Trinity (Hon. Mr. Roebuck) that the bill should go at once to committee.

At this time I particularly want to point out to honourable senators who are members of the committee, but not members of the legal profession, that it is their right and duty to take part in the discussion of the bill. All of the questions involved are not essentially legal at all; many of the important decisions in the administration of the criminal law are made by juries. When the previous bill was before the committee I was not as diligent in my attendance there as were the honourable senators from Toronto-Trinity (Hon. Mr. Roebuck), Toronto (Hon. Mr. Hayden), and Vancouver South (Hon. Mr. Farris). Not being a criminal lawyer—if I am a lawyer of any description—my point of view is more that of the non-legal man. My conclusion, after many hours of deliberation by the committee, is this: while I fully appreciate the work of the honourable senators I have mentioned, as well as that of the honourable member from Grandville (Hon. Mr. Bouffard), and their knowledge of both the essentials and the fine points of the criminal law, it is the duty of the non-legal members of the Banking and Commerce Committee to be present all the time when this bill is under consideration. The four distinguished lawyers I have referred to will readily and clearly put before their associates the significance of any section which is in question. But let me say to our non-legal members: The opinion of these legal gentlemen as to the contents of these sections is, in the final analysis, worth not a bit more than yours,—

Hon. Mr. Roebuck: Precisely.

Hon. Mr. Haig: —because we are dealing with the liberties of men and women. If the bill as amended is criticized in another