

need not go to jail if he is unable to pay a fine I am afraid a great many persons would rapidly discover that they could commit certain offences with complete impunity. Therefore a provision of that kind, which roughly speaking is the provision of the British legislation, should not be enacted until we examine the sections themselves with a view to possibly revising the penalties. For instance, perhaps many of those sections should be changed in this way, that at the discretion of the court there be a fine or there be imprisonment. If that were the case the prospective offender could not say in advance for sure that he could commit the offence with impunity. I hope I have made that point clear to the house, and that is my reason for not proceeding with changes of that kind. I think the matter is well worthy of consideration, but only after thorough study is given the penalties imposed by the criminal code, which, I must say, are not altogether consistent.

Another important matter that has been mentioned is whether some attempt should not have been made to enact law relating to the admissibility of statements by an accused. I am willing to look into that matter, and I must confess that up to this moment I have not looked into it at all thoroughly. I have been going on the assumption that these situations arise from time to time where difficult points seem to come before the courts, that if just a little time is given they are settled by the courts of ultimate jurisdiction, by the final courts of appeal; and that when they are settled by the courts that is sufficient and better than for parliaments to attempt to cover by legislation matters which are extremely difficult. I must say I thought the law was fairly satisfactorily settled on the question of the admissibility of these confessions, but recently I am told there are differences between the courts. I would hope that by the process of judicial decision the points would be settled in such a way that legislation would not be necessary.

Then the hon. member for Lake Centre suggests that the whole criminal code should be revised, and perhaps that is true. As the years go on, I think a thorough-going re-codification of the criminal law of Canada becomes more and more necessary. It is just a question of judgment, again, as to the time when that will be undertaken. It will be a colossal task when it is undertaken. If the commissioners who undertake that task spend as much time in considering the pros and cons of the desirability of making an amendment to each section as I have spent on these few sections, it will be a very

long task indeed. It is so hard to say what penalties ought to be, and so hard to say what should be constituted as offences in the field of criminal law.

Then the hon. member for Kindersley (Mr. Jaenicke) made some suggestions about a certain section of the criminal code, as did the hon. member for Spadina (Mr. Croll), and perhaps I can discuss those suggestions when we come to the consideration of that section.

The hon. member for Vancouver South (Mr. Green) has brought forward the important question as to what should be done about sex offenders, and he has asked why the government has not introduced some amendments in the criminal code to deal with that situation. The reason is that we must get a little more information about what would be effective. I have undertaken to read some articles with respect to this matter, dealing with sex offenders, and one of the best articles is one entitled "Sexual Offenders." It is written by W. Norwood East, M.D., F.R.C.P., who was special consultant to the royal navy, and was formerly His Majesty's commissioner of prisons in England and Wales. It is to be found in the *Journal of Nervous and Mental Diseases*, an educational journal on neuropsychiatry, in the issue of June, 1946. Appended to this issue is a bibliography of books and articles on the subject.

It is a field in which there is much disagreement. There are various schools of thought. The officials of my department, particularly General Gibson, have been pursuing this subject with the Department of National Health and Welfare in an effort to get from them some conclusions upon which people can now agree.

There are those who think psychiatry is not the whole answer. Psychiatrists, of course, may do much good. There are not many of them in Canada, and, indeed, not very many in the United States. We are beginning to bring them into the penitentiary system of the country to see what we can find out, and to learn what is practical.

If hon. members would read these articles and the articles to which reference is made they would see at once that there is no agreement as to just how far a country ought to go. It might be that we should construct certain institutions which would be more in the nature of hospitals than prisons, staff them with psychiatrists and then take the word of those psychiatrists as to when the offenders convicted of these offences should be released. Immediately that opens up a large question and provokes considerable opposition as to whether, in addition to taking steps with