The young people have a dynamic but deviated personality which must be set straight and put to use for the improvement of our society so that they will become law-abiding citizens.

As I said before, I believe that the bill is acceptable as a whole. However, to my mind certain amendments would greatly improve the scope of Bill C-192 in respect of its practical enforcement.

Therefore, my remarks are aimed mainly at bringing to the attention of the government the risks of interference with human and judicial freedom that certain ambiguities in this bill seem to allow.

Clause 2(o) of this bill provides that a probation officer shall be appointed by a judge.

So as to enable the House to see it, I shall quote this paragraph:

"probation officer" means a person appointed or designated as such under an Act of the legislature of a province, or a person designated in writing by a judge to perform the duties of a probation officer generally or in a particular case;

I object strongly to this state of affairs, for the four reasons that follow.

First, it does not rest with the judicial power to make a decision which comes under the administrative power. We cannot leave it to judges to appoint policemen, or even clerks of the court and much less the support personnel. It will be agreed that a judge cannot appoint probation officers, either because, if it were so, we would be restoring the family compact and setting the stage for influence pedding, and I strongly disapprove of that.

• (4:40 p.m.)

Secondly, I consider that the provisions of that clause leave too much discretion to a single person and might lead to abuse of power.

Thirdly, probation is, in my opinion, a specialized action the application of which cannot be left to judges or to any other individual who does not have the necessary qualifications to do so. We must admit that the appointment of some judges leaves the population thoughtful and that indirectly, a number of them are often severely criticized, because they are compelled to reach conclusions or make decisions in fields with which they are not sufficiently familiar.

Fourthly, I believe that giving such a power to judges will lead to the layoff of several probation officers who would have different conceptions of the services to be rendered to young offenders. I maintain the probation personnel is now a very important professional body whose value and maturity Bill C-192 could not deny.

Mr. Speaker, the wording of subclauses 17 (1) and (2) on page 12 of the bill tends to indicate that the probation officer is somewhat a peace officer. I quote:

(1) A summons issued under section 8 or a notice given under section 15 may be served by any peace officer or probation officer or by any person designated by the person who issues or gives it, or may be sent by mail.

Here is subclause (2):

(2) If a young person or a parent, to whom a summons or notice is mailed, does not appear in court at the time and place named therein as thereby required, a second summons or notice may be issued or given, which summons or notice shall be served by a peace officer or probation officer or by a person designated by the person who issues or gives it, by delivering it personally to the person to whom it is directed, or if that person cannot conveniently be found, by leaving it for him at his latest known address with some inmate thereof who appears to be at least seventeen years of age.

I therefore consider that there is a contradiction in the terms which should be cleared up. To my mind, this is a serious weakness; it could provoke the anger of probation officers who are certainly, as I see it, not peace officers but rather counsellors.

Clause 30 (1) (f) at page 25 of the bill, has this to say about the judge, and I quote:

he may place the young person on probation for a maximum period not exceeding two years;

Mr. Speaker, I suggest that the judge may recommend a probation period for the delinquent, but that the probation officer is in a much better position to know precisely how long the period of detention or surveillance should be in each case. Furthermore, I believe the probation officer may also allow the delinquent to resume his proper place in society after a period which he alone, in my opinion, can determine. Actually probation should apply to a special group and not be the direct and automatic consequence of the delinquent's behaviour.

I feel that the expression "foster home or group home" appearing in Clause 30 (1)*g*) should be defined within the bill. It should be better defined in order that it may not become a catch-all.

Mr. Speaker, I should like to call the House's attention to a document received on January 20 last, from the Director general of Boscoville in Montreal. In his letter, Mr. Gendreau referring to clause 30(4) of the bill, on page 27, writes as follows:

The Rehabilitation Process

Boscoville considers it unthinkable in connection with a rehabilitation process to demand that a young person who has benefitted from rehabilitation measures should face a second trial at the end of his period of probation in a school where he went through a process of change. Such a procedure is similar to advocating euthanasia for patients with a sickness considered extremely serious at the start and that could have been treated successfully. That clause must be fought with all the power of those who have understood what the rehabilitation of a young offender was all about. The Boscoville experience shows that it is possible to save such young persons while protecting society without for all that starting over again court procedures which would for all practical purposes result in an extremely serious regression of the personality of the young person who would under such circumstances have to go through a new trial. We even think that such a measure amounts to eliminating the real rehabilitation opportunities for these youths. Therefore, we deny the validity of this clause.

Mr. Speaker, I think that Mr. Gendreau's statement proves his experience in this field as well as the advisability of rejecting this clause of the bill.

Clause 35, subclause (2) of Bill C-192 reads as follows:

Where no probation officer is available to conduct an investigation and submit a pre-disposition report, the judge shall himself make the investigation referred to in subsection (1) and complete a written report thereof, but he shall not do so until after he has made a finding that the young person appearing before him committed an offence.