

*Criminal Code*

the Hon. Davie Fulton? From the summary of the recommendations in the report I wish to quote recommendations 7 and 8. To save time, Mr. Speaker, I will summarize them, but they appear at page 284 of the report. In effect, they endorse the amendment that I have now put before the House. I take some pride in having placed this bill before the House prior to the committee's study of the subject and the submission of its report.

Perhaps I might be permitted to add recommendations 7 and 8, and also paragraphs 118 and 119 of the summary, to my speech, because they will confirm what I have said. This is in an effort to save time, as I understand many members have asked to speak and I want to keep my remarks short. I would, therefore, ask the consent of the House to add as part of my speech recommendations 7 and 8 and also paragraphs 118 and 119 of the report.

[*Translation*]

**The Acting Speaker (Mr. Bécharde):** Order. The procedure suggested by the hon. member has never been encouraged by the Chair for many reasons. First, because of the length of certain texts and also because of the translation problem.

[*English*]

**Mr. Woolliams:** In 1964, after some years of research and, indeed, anxiety about the youth of the nation, I put a number of questions on the order paper, and these were answered at page 4282 of *Hansard* for June 15 of that year. I asked:

1. When will the construction of the Drumheller penitentiary (institution for young offenders) commence?

2. Will this institution be especially designed in every regard for the purpose of rehabilitating young offenders and, if so (a) what is the plan in this regard, and (b) what program will be followed?

3. From what provinces will young offenders be placed in the institution?

4. How many young offenders, under 21 years of age, are now incarcerated in penitentiaries in Canada?

5. How many are incarcerated under 15 years of age?

6. What age is the youngest prisoner in Canada?

I might say at this point that it was the Conservative government under the present right hon. gentleman for Prince Albert (Mr. Diefenbaker) that started this project of rehabilitation. I think I can take some credit for it as I made many speeches and representations to the then Minister of Justice and Prime Minister of this nation with regard to a new penitentiary or rehabilitation center at

[Mr. Woolliams.]

Drumheller, nicknamed "Eldon's House" by a very able lawyer in Calgary, a cousin of the Horner brothers, Milt Harradence.

The answers to my series of questions were as follows:

1. The construction of the Drumheller institution is expected to commence in October 1964.

2. The Drumheller institution has been designed specifically in every regard for the purpose of rehabilitating young offenders.

(a) The plan is to construct an institution of medium security based on the principles of the most up to date concepts of the correctional process, which will incorporate the required facilities for young offenders from western provinces and certain selected adult first offenders.

(b) The program will be based on the principle of individual attention, using diagnostic processes from social, medical and psychological points of view; and will include the following elements: education, vocational training, religious observance and spiritual guidance, social education, (citizenship training), physical education and recreation, cultural activities and hobbycrafts guidance and counselling.

This institution is now doing a wonderful job rehabilitating people who are on day parole.

At the time I asked the question there were 1,091 inmates under 21 years of age incarcerated in penitentiaries in Canada. One inmate was under 15 years of age; and the youngest prisoner in jail at that time was a child of 14.

The next question we should ask ourselves is: What is the criminal responsibility of children under the law at the present time? In this regard do we have to wait for the law reform commission proposed by the Minister of Justice (Mr. Turner) to make recommendations? This relates to my proposed amendment to section 12. I have raised the age from seven years to 12 years; and my section 13 raises the maximum age to 16 years, rather than 14 years, and provides that the child must be competent to know the nature and consequence of his conduct and to appreciate that it was wrong before such person can be convicted. The onus of proving this is on the crown.

I have prepared a brief on the Criminal Code of Canada, part of which deals with pages 27 and 28 of Crankshaw's Criminal Code of Canada. I should also like to add these pages as part of my speech because there the law is clearly set out. The onus is on the crown to prove guilty knowledge in cases where a juvenile or young offender is charged with an offence. Therefore, I should like to add these paragraphs extracted from the Criminal Code of Canada to my speech.