

27, 1970. I want to put this on record so the minister will know it is not only a few people in the city of Toronto and elsewhere in Ontario who are angry with his department and are opposed to this bill. I wish to quote part of what was said by the director of corrections and probation in Manitoba:

• (9:10 p.m.)

The act on first reading impresses one as being a Criminal Code for juveniles. Despite an attempt in section 4 to establish a philosophical base, the act contains so much procedural detail as to overshadow its intent. Furthermore, it is important, it seems to me, that an act which establishes a general approach for the handling and treatment of children in conflict with the law (a matter that can touch any individual or family) should be comprehensible to the lay reader. Only those whose responsibilities require an intimate working knowledge of the act are likely to develop a clear understanding of its basic philosophy and operation.

One stated objective of the new legislation is to eliminate the terms "delinquency" and "delinquent," which it has been suggested impose a stigma on a child brought before a juvenile court. However, what is in fact gained when the terminology that has been substituted is copied from adult court practices, for example, "arrest," "offence" and "offender"? It does not seem particularly appropriate to call a 10-year old a young offender.

That is what the bill states, Mr. Speaker. I continue quoting:

It may be that upon more thorough study of the act, section by section, that enlightened practices may be possible. Be that as it may, one would like to have seen in the act greater recognition of the variety of programs and approaches now being used in the juvenile field, as well as greater encouragement to pioneer new approaches. The act tends to suggest a stereotyped approach. For example, the details which are to be included in a probation order imply a stereotyped idea of probation, and fail to recognize the irreversible trend in the field toward the development of an array of services between probation and institutional placement, which combine—where appropriate—features of both—

The act appears to place undue authority and responsibility on juvenile court judges without saying anything about qualifications for appointment to judgeships. Neither does the act offer any guidance or ensure that the court will have available to it the services of suitably qualified people to conduct enquiries into the background of children appearing before the court, to propose treatment plans for the court's consideration, or to provide treatment. Without such services, a juvenile court is little more than an adult court.

I could quote Dr. Dewalt's letter in more detail; however, I think I have read enough to clearly show that in the province of Manitoba there are serious objections to the proposals of the government. If the minister and the department wanted a philosophical basis on which to deal with young people, they did not have far to go.

In Ottawa we have Dr. Charles Roberts. Dr. Roberts is professor and chairman of the department of psychiatry, University of Ottawa, and psychiatrist in chief of the Royal Ottawa Hospital. He was formerly executive director of the Clarke Institute of Psychiatry, University of Toronto. Dr. Roberts, together with Dr. Denis Lazure, the executive director and medical superintendent of the Hôpital Rivière-des-Prairies, Montreal, was co-chairman of the committee sponsored by a very impersonal group of organizations working in the field of children and

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young people. This study was sponsored by the Canadian Association for the Mentally Retarded, the Canadian Council on Children and Youth, the Canadian Education Association, the Canadian Mental Health Association, the Canadian Rehabilitation Council for the Disabled and the Canadian Welfare Council. The result of this study was published more than a year ago. It is entitled "One Million Children."

If the minister or his department had referred to that section of the volume which deals with the child as an offender, and had read the relatively short analysis of the problems of young people who get into trouble, they would have read a philosophy which completely rejects the approach embodied in the bill brought forward by the minister. The report points out that what is required is informal and timely handling of minor offences. This could be extended by the development of youth bureaux, as recommended in the 1969 report of the Ontario Law Reform Commission. Instead of informal and timely handling, we will have formal, legalistic, detailed judgments by judges rather than by people who are experts in rehabilitation.

The report points out that children who appear in the courts as offenders are oftentimes children for whom the community can find no other placement. These children have had difficulties more than once and have frequently been seen by many agencies. Often they are sent to training schools because there is no other place for them. That is what we have had until now. Will we have anything different when this bill is passed? Not really. The government is proposing to examine the actual crime much more formally. The bill does not contain anything with regard to the cause of the crime or how to deal with a child of 10, 11, 12 or 13 who has committed an offence and is brought into court.

The report points out that probation officers and clinical personnel working with the courts, report that there is not adequate staff to deal with the problems of children who are brought before the courts. The whole area of care and treatment for juvenile offenders is given low priority by those handling funds for education, health, welfare and manpower services. That is an indictment of municipal, provincial and federal governments. Some years ago we were willing to embark on a program which would have cost the people of Canada \$100 million. New institutions were to be built to help adults convicted of crime. We have not indicated to the provinces that if they will extend their probation services the federal government will pay one-tenth of the cost. We are willing to pay to lock up people. We are not willing to find ways to treat people so they will not commit crimes in the future.

In 1966, the Dominion Bureau of Statistics reported that over 20,000 juveniles under 16 years of age were charged with being delinquent. Of those charged, 90 per cent were found to be delinquent. I refuse to believe that in a country the size of Canada 20,000 young people were branded as criminals in the year 1966 by the police, prosecuting authorities, and courts. It is not true. We have not adopted modern methods which may eliminate