

court, but there have been some. For example, Mr. Speaker, a murder case is usually heard in an adult court. It is fine to say that a child aged 15 years, 364 days should not be tried in an ordinary court, but this is an example of where it would be possible for a child aged 15 years, 364 days to take an axe and kill his mother and father and then ask for leniency because he is an orphan. So there are some cases, Mr. Speaker, particularly where the young person is a repetitive offender, which I submit ought to be tried in the Supreme Court. As the law stands now, the judge of the juvenile court has authority to send them there if he so desires.

What happens to this person after trial? If he is tried in the Supreme Court they can keep control of him until they are satisfied he is fit for parole and can be rehabilitated into the community. But if he is tried as the bill suggests, he could only be confined, as I understand the law, until he reaches the age of 21 and then he would be returned to society, whether he is ready for rehabilitation or not. We might regret such a move.

As the hon. member for Welland (Mr. Tolmie) pointed out, there is another consideration. The bill deals only with those offenders who would otherwise be sentenced to imprisonment in a penitentiary. Those offenders the bill would have sent to an industrial school; that is, the really serious offenders. Under the provisions of the Juvenile Delinquents Act, where the offence was less serious they would be sent to provincial jail. It would seem wrong to send the more serious offenders to an industrial school and the less serious offenders to jail.

In any event, as was also pointed out by the hon. member for Welland, there is provision in the Penitentiary Act that those committed to penitentiary under the age of 16 cannot, except at the special direction of the Commissioner of Penitentiaries, be confined in association with persons 21 years of age or more. However, the commissioner may, in the case of a person under the age of 16 years, authorize his transfer from a penitentiary to a provincial institution in the same region if that institution is operated for the custody and training of persons under the age of 21 years. I understand that this power is exercised in all cases where it is appropriate to do so.

In conclusion, Mr. Speaker, although I agree that there is much merit in the contention that the law in this regard requires very serious examination, I understand there will shortly be before this House substantial

Criminal Code

amendments to the Juvenile Delinquents Act, and I think that before very many months have passed we will have an opportunity to make all these wrongs right.

Mr. Jerry Pringle (Fraser Valley East): Mr. Speaker, I am not a lawyer and so am unable to approach this subject legalistically, but I should like to approach it as a parent of a teenager now going to school in Ottawa, a lad who of course must give a parent a great deal of concern because he is exposed to the various problems around us.

As a Calgarian for a number of years, I have a great deal of respect for the mover of this bill, the hon. member for Calgary North (Mr. Woolliams) because he is well known for his compassionate appeals on behalf of youth over the years. His many speeches made in the House and reported in the press have been most admirable.

● (5:50 p.m.)

Although I am not a lawyer and cannot say whether young people ought to be confined in any particular type of institution, I have searched my mind with regard to the causes of delinquency as well as its effects. Today I think we should not be so much concerned about the age at which we deal with our young people as with the tremendous sociological problems which we have and do not seem to be coping with adequately.

It seems to me, as I look back, that right after the war we began allowing our youth a measure of permissiveness. Psychiatrists were writing books and saying, "You must not spank the child but take him to one side and listen. You must not use the switch any more at school but take the child to the office and listen. You must change your disciplinary methods and your way of teaching what is right and what is wrong."

I am a parent who has raised three boys, and I find I am supposed to do more listening than talking and that my experience really does not count for much any more. I resented being taken to the woodshed when I was a young boy and treated in a certain way. Today parents are not supposed to operate that way. I am in favour of raising the age limit with respect to convicting young people. Nothing appalls me more than seeing a young person who has made a mistake being confined to an institution.

It so happens that at one time when I was young I went to reform school, although not as an inmate. My father was a school teacher in reform school at Portage la Prairie.