

*Young Offenders Act*

Canadian dream of the just society will end up as a nightmare. This is one battle we must win. What we shall do in this area will be just as important as anything we do with regard to any other social problem facing us today.

• (5:00 p.m.)

I would remind the Solicitor General, and the lawyers on the other side, that this approach has been taken by Sweden and other Scandinavian countries. They have adopted the panel system and rather than have a judge alone determine the offence and the treatment, a panel of judges attaches secondary importance to the act committed and primary importance to the care and treatment of offenders. In Sweden they have a volunteer system concerned with the treatment of young offenders. There is citizen participation and two-thirds of all members of the Swedish parliament are volunteers when it comes to taking care of young offenders. These people are paid \$10 a month in return for the time and attention they give.

There are four other serious criticisms of this bill. I have dealt with the philosophy behind the bill and our answer to it. When I read the provisions with regard to fingerprinting and photographing they just make me cringe, they are so horrible when applied to young people. When I read the inflexible sentencing provisions, two years with regard to a suspended sentence, two years with regard to a commitment to a children's aid home and three years for a training school, I can understand why the social agencies across the country have raised such a furore. They realize the necessity for flexibility with respect to the treatment of these people. Surely, the Solicitor General is young enough and flexible enough to know that we can introduce a mechanism for review of these sentences.

The hon. member for Calgary North (Mr. Woolliams) gave us a vivid and excellent description of what would happen in connection with the provision under which life sentences could be imposed, where a young person is sentenced to serve in a training school until he is 21 and then made to appear before an adult court to receive his sentence. Surely, the Solicitor General (Mr. Goyer) is a man with some vision, some concern, and would not recommend a provision like this.

Another area of criticism concerns age differences. The government pounds its breast with regard to changing the age from 16 to 17. May I remind the House that raising the age to 17 affects only Ontario, the Maritimes, Saskatchewan and male offenders in Alberta. British Columbia and Newfoundland have already passed legislation fixing the age at 17. Quebec and Manitoba have raised the age for both boys and girls to 18. I wonder why we cannot get uniformity across the country by fixing the age at 18. As things stand, a boy of 18 in Ontario charged with car theft appears in the adult court. A boy of 18 charged with the same offence in Quebec or Manitoba appears in the Juvenile Court. Does this make sense? Is this the just society we are trying to create? I am sure the minister would agree that the age should be uniform and that it should be 18. Would it not

[Mr. Gilbert.]

be sensible to appeal to the provinces to make 18 the age universally, and to provide some resources for the training schools and other institutions which are necessary?

May I give some humble advice to the Solicitor General? First, I would recommend that he withdraw the bill.

**Some hon. Members:** Hear, hear.

**An hon. Member:** Burn it.

**Mr. Gilbert:** Why does he not set up a committee composed of judges, social workers, psychiatrists, psychologists, trade union officials, employers, church representatives and representatives of youth organizations. Let this committee travel across the country to hear the views of different organizations. Let it visit training schools and talk to young offenders; let it visit children's aid homes and foster homes and get the point of view of these people. Let it go to Europe, go to England and study the Children and Young Persons Act there; let it go to Sweden and Denmark and other Scandinavian countries, study their enlightened approach to this problem and then report to the government. We do not want a bill that is worse than the Juvenile Delinquents Act. We want one that is better. We certainly do not want this young offenders act. I might recommend that the Committee on Justice and Legal Affairs should do the same work as the committee or task force to which I have just referred. But as a member of that committee I would say that our approach would be too narrow, too legalistic. Our training makes us this way. We need men from all orders of society to study this question and help us solve it.

There is an old proverb which says it is easy to say a tulip grows but that it is not easy to make one grow. It is easy to say a young boy grows but it is not easy to make him into a responsible, law-abiding citizen. I would remind hon. members that 80 per cent of all juvenile delinquents are first offenders and that less than 20 per cent return to court during their lifetime. We need the help of all Canadians. Let us not fail in our duty by passing this bad legislation and approving a young offenders act which is worse in philosophy and in practice than the Juvenile Delinquents Act.

**Some hon. Members:** Hear, hear.

[*Translation*]

**Mr. René Matte (Champlain):** Mr. Speaker, I must admit that this bill to repeal the old Juvenile Delinquents Act and adopt new regulations with regard to those same delinquents reveals true concern about the moral health of our youth.

At first glance, I believe in the efficiency of this bill. It is high time we pause to better protect our young citizens, who have to face the judiciary who, in their eyes, too often constitute an adversary which cannot be trusted.

Unfortunately, obsolete and inadequate sections in the old act at times proved them right.