

### Young Offenders Act

he must do, but doesn't interfere with good treatment for the child.

Throughout the act they are advocating good treatment, and the nicest thing about the act is it says that a child should be treated with the respect and the responsibility that a parent would exercise over his child in each of these instances.

The host, Mr. Gerussi, picked that up and said:

That immediately becomes debatable and one of the reasons so many children are in trouble is because the parents do not, don't know how, have no judgment about exercising parental care.

Mr. Brown's reply to that was:

But let's look at it. The fact of the matter is the majority of children do all right, and it is precisely because they are involved with parents who exercise a proper care over them. In terms of numbers there's a small minority over the total population who have difficulty, and in those instances the parents are not—for one reason or another—and the act specifically says they should be placed in such circumstances, and the people who take them be charged to be responsible as a good parent would be responsible for his child.

● (4:30 p.m.)

It was interesting to note that after all these pleasant things Mr. Brown had to say about the bill, the host ended with the comment, "Mr. Brown thinks that Bill C-192 has some merit." What are my personal conclusions? I agree with Mr. Brown that this is a better piece of legislation than the present act and I have already used his words that it is, in effect, a bill of rights for children. This bill, in my opinion, can lead to the road to reform.

No legislation, Mr. Speaker, can make a policeman kind, a judge fair, a probation officer objective, a foster parent compassionate nor a social worker dedicated. We give them solely the framework within which to work, and then provide the safeguards in the bill as protection for the young person. The government, recognizing it cannot through legislation change a person's attitude, have endeavoured in clause 4 to at least set the kind of guidelines that they would like to see followed by persons operating under the provisions of this bill. The bill states loudly and clearly to the judge, to the policeman, to the probation officer, to the foster parent, to the social worker and to any others who are operating under its provisions as follows:

This act shall be liberally construed to the end that where a young person is found... to have committed an offence, he will be dealt with as a misdirected and misguided young person requiring help, guidance, encouragement, treatment and supervision—

The government, recognizing the prime responsibility of parents for their children, has taken the steps feasible to require the attendance of the parent with the young person when he is being dealt with pursuant to the provisions of this bill. Some people would change the name of the bill to something like The Young Persons and Children's Act. I believe this view is shared by other members. With the greatest of respect to their opinion, it seems to me that this bill is not applicable to all young persons or all young children but only to those who break the law. Happily, they are a very small segment of our over-all population of young people. I am not

[Mr. Cullen.]

certain that this point of view which they express or which I express, is particularly important and I would have no fault to find if the Solicitor General saw fit to change the name of the bill.

I am somewhat concerned about the age factor. It seems to me that 12 years of age might be more appropriate, but then I ask myself how we are to cope with a 10 or 11 year old who breaks the law. I think the young offenders act protects this position and gives probation officers, psychiatrists, sociologists and others the opportunity to help these young people, possibly by the court adopting the suggestion of the hon. member for Broadview (Mr. Gilbert), namely, distinguishing between a summary and an indictable offence. I am not too upset over the word "inmate" nor the reference to the Criminal Code, but if a word with a similar meaning but more euphemistic could be found, then I doubt if the Solicitor General would object to that kind of an amendment.

I know my colleagues on the Committee on Justice and Legal Affairs will give this bill careful scrutiny. I share the view of the hon. member for Sault Ste. Marie (Mr. Murphy) that lawyers can deal with this kind of measure because they have had to cope with it on a daily basis. I respect the position of the Canadian Mental Health Association. If they feel as strongly about this bill as they seem to in their correspondence and their brief, and if they are in fact correct in the long run, I hope that position will prevail. To date, however, I have not read anything nor heard any debate that would dissuade me from the view that the young offenders act is a much improved piece of legislation over the Juvenile Delinquents Act.

[Translation]

**Mr. Léonel Beaudoin (Richmond):** Mr. Speaker, in the next few minutes I wish to deal with the amendments that I deem necessary before the adoption of Bill C-192, an Act respecting young offenders and to repeal the Juvenile Delinquents Act.

First of all, I wish to say that the proposal is positive as a whole. In my view, young offenders represent a concrete reaction to the numerous contradictions of Canadian society. They should therefore be considered not as wrong-doers but as victims. As Judge Trahan of the Juvenile Court, where I had been invited, said last Thursday: "If it has showed on the parents, it is the children who will reap the avalanche."

Mr. Speaker, as elected representatives of Canadian society, we must endeavour to make available to these young offenders all the means required to ensure their complete and satisfactory rehabilitation.

In examining the bill before us today, I realize that the government is making a worthwhile effort to improve the present act which, as you know, goes back to 1929. It is therefore absolutely necessary that young delinquents be considered in the light of twentieth century thinking and that these young people called destructive elements of society in the old days, and by direct consequence rejected by it, be today deemed victims of the conflicts within our civilization.