

As Senator Neiman has said, it is most important that, at some stage before this act becomes effective, all the provinces have a uniform age.

Senator Smith: Honourable senators, I would add something further to my response to Senator Godfrey's remarks because, since I sat down, I have looked at the definition under the existing act. Under the existing act, Chapter J-3 of the Revised Statutes of Canada, 1970, you have to look at two definitions to see what the present age is. You must look at the definition of "child," which states:

"child" means any boy or girl apparently or actually under the age of sixteen years, or such other age as may be directed—

And then you turn to the definition of "juvenile delinquent," which states:

"juvenile delinquent" means any child who violates any provision of the *Criminal Code* or of any federal or provincial statute—

Therefore, a child is a person who is "apparently or actually under the age of sixteen years". The two definitions seem to jibe. That is, the present provision is "under 16," and the proposed provision is "under 18." Mathematically, there seems to be a difference of two years.

Senator Godfrey: Were it 15 and 17, it would be more easily understood.

Senator Asselin: Honourable senators, I hoped that, following upon my speech and Senator Smith's speech, Senator Neiman would respond to the objections we raised during the debate.

Senator Neiman: Honourable senators, I did intend to say a few words in reply on second reading.

I want to thank Senator Asselin, Senator Smith and Senator Godfrey for the interventions they made. I believe Senator Asselin has many years of experience in criminal law and is well aware—and far more than most of us here—of the direct correlation between adult criminals and the likelihood that they started their careers as adolescents. I believe that the entire force and intent of this bill is preventive and rehabilitative. We want to stop what seems to be an inevitable progression from the juvenile courts into the adult prisons. I think that is where this bill is so beneficial. Hopefully it will create an entirely different climate in dealing with young offenders.

• (1540)

I think that we have touched, in several areas, on the question of the maximum age. I am sure that it will be raised again in committee. As I pointed out in my speech yesterday evening, the Solicitor General felt that there were several cogent reasons why he should suggest that the maximum age be 18 years. I must say that I am inclined to agree with him, for a variety of reasons. As far as I am concerned, one of the most important of those reasons is that I would like to treat young people as young people for the longest possible time in order to keep them out of the adult criminal system. The

[Senator Deschatelets.]

longer we have to deal with them within the juvenile courts, the more chance we have of helping them in later years.

I am aware that there has been much mention made in the press about the cost to the provinces that will arise as a result of the passage of this bill. I must say that a little of the publicity is overblown. In fact, some of the statements I have read in the paper—I can recall some made by Mr. Drea of Ontario—almost verge on hysteria when speaking of the possible costs to us.

When considering that we are adding another year or two to the maximum age of those being dealt with by the juvenile court system, it has to be borne in mind that we will, of course, have to provide facilities for young offenders. The whole intent of this act, however, is primarily to keep young offenders out of any kind of facilities, if that can possibly be done. Secondly, if we do have to build facilities, as undoubtedly we will, they will be of a much less secure type, and it follows that they will be much less expensive than maximum security prisons. With that in mind, therefore, in terms of dollars and cents, and with the hope, that I am sure we all want to be realized, that we will prevent many children from ending up in adult prisons, I believe that the cost to society in the long run will be much less than it otherwise would be.

A number of other comments were made by Senator Smith with respect to the administration of the act. As honourable senators are aware, the administration of the act will devolve on the provinces, as it has heretofore. I cannot put my finger on them at the moment, but I know that there are specific clauses that deal with the obligations of parents—not only natural parents but people who stand *in loco parentis*. I have spoken to officials in the department about this aspect of the bill. As honourable senators are aware, many young people who come into conflict with the law do so because they have no homes, as we know them; they have no proper parental guidance and care, and they often have no natural parents. They may live with grandparents, friends or strangers from time to time. I am sure that the courts will, as they have up to this point in time, interpret the *in loco parentis* definition in a very broad way. People in this position will be kept fully informed in order to be able to help the young offenders. On the other hand, there is a clause, which I cannot put my finger on at the moment, which provides that parents or people who have responsibility for children will also be held responsible in court if they fail to do what the court deems is their proper parental duty and, in particular, if they fail to carry out orders of the juvenile courts, or youth courts, as they are known. When we are studying this bill in committee, Senator Smith, the clause will be located and dealt with.

There are other clauses of the bill having to do with both restitution and compensation. These are principles that I believe in very strongly. We ought not to worry about whether a youth has the money to provide compensation. If he can avoid any kind of custody order whatsoever, he will find a way to work out the compensation. In fact, there are provisions made for work orders, service orders and a variety of such things. The beauty of this bill is that there is such a wide