

Young Offenders Act

if he had been tried on that day. What would be the sentence? It would be life imprisonment, or 21 years. From the time he was charged he would be incarcerated in a training school: He would put in eight or nine years there, and afterward he would put in 21 years unless the parole board leniently interfered with the sentence. And this is supposed to be a beautiful reform at the beginning of 1971.

What does the Canadian Mental Health Association say about this bill? Section 30(1)(k) reads:

Where he (the Judge) finds that the young person committed an offence for which he might, if he had been tried by indictment, have been sentenced to death or to imprisonment for life—he (the judge) may commit the young person to a training school until he has reached the age of twenty-one years, to be thereupon dealt with under subsection (4)—

That, as I have pointed out, is one of the worst features, right there. Suppose a child aged ten did not understand the consequences of his act. He could still be sent to a training school and then, when he was 21, even though he did not know what he had done when he was ten it would be presumed he would then, all of a sudden, become aware retrospectively of what he had done when he was ten. That is quite a reform. The section further states:

A person who has been committed to a training school under paragraph (k) of subsection (1) shall, on reaching the age of twenty-one years, be taken before a superior court of criminal jurisdiction . . . and that court shall thereupon sentence or otherwise deal with him as if he had then and there been convicted of the offence that he was found to have committed and as if he were thereupon liable to imprisonment for life.

In other words, after he has been trotted out at the age of 21 he gets the same penalty as if he had committed the offence at the age of 21, regardless of the fact that he has served all those years in a training school. Yet this is supposed to be a reform. This is supposed to be the beginning of a brand new day for the young people I saw in hundreds and thousands across this country when I drove home this summer. I picked up a lot of them between Ottawa and Calgary—that is only 2,500 miles—and every mile of the road was packed with young people looking for jobs.

I turn to Section 30(1)(f) which provides that a judge may place a young person on probation for a period not exceeding two years. The following paragraph provides he may place a young person—

(i) in the charge of a children's aid society established under an Act of the legislature of the province—

(ii) in any municipality where there is no children's aid society, in the charge of the superintendent, for a period not exceeding two years...

Section 30(1) (i) provides that he may commit the young person to a training school for a period up to three years. Here comes a dandy. If a young person under the age of 17 happens to be impaired, is charged with the offence and loses his driver's licence, what do you think happens when he gets caught under this new bill? He will be liable to two years in prison. There is no provision in the Code that treats an adult in that way. So this

[Mr. Woolliams.]

is the great reform, the beginning of a new age for our children!

• (4:00 p.m.)

An hon. Member: It is also against the Bill of Rights.

Mr. Woolliams: Yes, someone says it is against the Bill of Rights. It is without doubt in conflict with civil rights. One trouble with the government is that it got so tied up with the War Measures Act that, psychologically, it is still feeling the effects of the act.

I should now like to deal with what the Canadian Mental Health Association has to say. Clause 35(6) provides that:

In addition to the persons mentioned in subsection (4), a re-disposition report made under this section shall be made available to—

Then, one of the recipients of the report is the National Parole Board if the young person applies for a pardon under the Criminal Records Act. In other words, there is a discretion, but he will still have a record. These young people would have to make application under the new act. In other words, they would be met by a large bureaucracy. With regard to a young person who had committed an offence at the age of 15 or 16 and who is applying for a job at the age of 21, the Mental Health Association has this to say, and these are not my words:

A 14-year-old who is adjudged to have murdered his grandmother is committed to a Training School until he is 21—for seven years he has to wait, conscious of the fact that at the end of that time he will be sentenced by the Court for an offence committed seven years earlier. This is totally inhuman and intolerable; it completely ignores the fact that the child may have changed drastically long before he is 21.

These sections ignore the fact that at the time the child is before the Court, it is impossible to state how long his case supervision and treatment should continue. Form 12(ix) makes it apparent that a child is committed to a Training School for a definite period—a period which may seem appropriate at the time but which may be too long or too short.

Even under the old law that I have complained about, what generally happened when a child appeared charged before the high court was this. I am not, of course, talking about cases of murder, because in such cases the law makes mandatory provision; but if he were charged with a first offence which called for a sentence of less than five years, the court would generally suspend sentence or remand the case for six months or a year in order to find out how the lad or the girl concerned has behaved. If his or her record is clean, then that ends the matter and there is no sentence. We already have this law. This new law is a retrograde step. The Canadian Mental Health Association go on to say:

Any doubt that the young person is in fact being dealt with as a criminal is removed by these sections which make it clear that his "offence" will be recorded and could be used at a later date unless he seeks a pardon.

So, we are using a computer. We will soon be able to press a button and find out whether a young person has committed an offence. If he has, then we can find him guilty. In a serious case, we will be able to hold him until