

"the above circumstances have been satisfied to another member of his household."

Then, come the following subparagraphs:

- (c) he is exposed to moral danger
- (d) he is beyond the control of his parent or guardians
- (e) he is not receiving efficient full-time education

Next follows the subparagraph I wish to emphasize:

- (f) he is guilty of an offence excluding homicide.

As the Solicitor General pointed out, the basis of this bill is that it defines an offence. The big difference between the Juvenile Delinquents Act and the Young Offenders Act is that in the latter piece of legislation an offence is deemed to be an offence committed under a federal statute, probably the Criminal Code. May I remind the Solicitor General that in the English act there is a clear distinction. It indicates that no young person will be charged with a summary offence. We have summary and indictable offences, yet in England no charge will be laid against any person under 14 years old; secondly, no charge involving a summary offence will be laid against a young person. The offence must be an indictable offence; otherwise, the young person cannot be brought before the court.

I always recall the lecture given by the late Dr. William Blatz in Toronto, 25 years ago, when I was a law student. He was an eminent psychiatrist in the field of treating children especially. He asked us all one simple question. He said, "Is there any student in this class who has never stolen anything? If so, will he please raise his hand." There were 30 students in the class, and not one raised his hand, not one. If I were to ask that question of members who are present in the chamber this afternoon, I dare say that the answer would be the same and that not one would raise his hand.

Mr. Greene: I never stole anything.

Mr. Gilbert: —with the exception of the Minister of Energy, Mines and Resources (Mr. Greene). If I asked the members of the press gallery that question, I doubt if any one of them would put up his hand.

Mr. Baldwin: Elections have been stolen, you know.

Mr. Gilbert: A person ten years old or over could be charged with an offence under the young offenders act. I suppose we can count ourselves fortunate in not having been caught and charged under the Juvenile Delinquents Act. That merely shows you how enlightened and progressive the English are. Under their law, no offence can be charged against a person unless he is 14 years old and over, up to a certain age it must be an indictable offence.

I have mentioned the conditions under which young people in England can be brought before the courts. Once a young person is before the court, the court may make an order "requiring his parent or guardian to enter into a recognizance to take proper care of him and exercise proper control over him." Or, it may make a supervision

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order, or a care order, or a hospital order, or a guardianship order. What a comparison there is between our new act and the new English act which has just come into force. The English act concerns itself with care and treatment. Our act is one of punishment. It will brand young persons as criminals.

The Solicitor General would have a perfect right to say to me, "What would you do under the circumstances, if you were the solicitor general?" Mr. Speaker, the first thing I would do is accept the definition and the age concept pertaining to child and young person as contained in the English act. In other words, I would accept the definition that a child is a person 14 years of age and under, and that a young person is a person between the ages of 14 years and 17 years. Actually, I would take it a step farther and make the upper age limit 18 years. On the matter of problems involving young people under the age of 14 years, surely we could work out with the provinces the machinery for dealing with them. It is very bad, Mr. Speaker, to tag young people under 14 as either offenders or criminals, which our present act would do.

Secondly, Mr. Speaker, I would accept the philosophy of the report on juvenile delinquents which says that it is still our duty to make our young people law abiding citizens and that our treatment ought to be so disposed as to further their education and readjustment. When I speak of education, Mr. Speaker, I am not speaking merely of academic education; I am also speaking of social, moral and spiritual education. You know, we of the New Democratic Party do not believe in pushing tough kids around; we do not think that is the answer to delinquency. Many of us are tired of seeing troubled kids go through the revolving doors of social service agencies, training schools and foster homes and end up in reformatories, mental hospitals, or detention homes. We should use the entire resources of the neighbourhood; this means that we must work with the parents, schools, trade unions, businessmen, youth organizations, social clubs and social agencies of the neighbourhood.

We of the NDP believe that such explanations relating to juvenile delinquents as those involving slum living, broken homes, films, deprivation, the frustrations of growing young people, and intense industrialization indicate the complexity of the problem and call for an all-out community effort. We believe that the guilt aspect of the complex ought to be a secondary consideration. We believe that the reformation and rehabilitation of the offender ought to be our primary object. His care and treatment is our concern. Therefore, Mr. Speaker, I would recommend a panel system for dealing with these problems. Such panels ought to be composed of judges, psychiatrists, trade union officials, psychologists, business representatives, church ministers, social workers, parents and school teachers. Such people ought to compose a panel for dealing with the problems confronting our youth. You cannot look at the particular act of the individual in isolation; you must look at his whole background if you want to bring forward an answer. If you look at the individual and not at the offence, you will first and foremost prescribe treatment and not punishment. You know, if we do not take this approach the