

day, January 26, contained an editorial under the heading, "Critics Overdo It", which reads:

The scatter-gun attacks by the opposition against the Young Offenders Act are wide of the mark.

Improvements can be made. But to describe it as the "most punitive, enslaving, vicious and tyrannical piece of legislation that has ever come out of the legislative grist mill", as one member did, is melodramatic nonsense.

Another part of the editorial reads:

There are also references to the Criminal Code as applicable to the new act. Maybe they were made for the sake of brevity; after all, a driving offence by a 16-year old is similar to one by an adult. But if the Criminal Code references offend, the wording could be changed. And if some experts object to the law's name, it could be changed to the Misguided Youth Act. That should satisfy them.

I listened very carefully and read the speech of the hon. member for Broadview (Mr. Gilbert) because I was surprised at the totality of his attack on this bill. Knowing that he had probably represented many clients under the provisions of the Juvenile Delinquents Act, I thought he would have welcomed this bill as a major step forward. I would not have been surprised if he had attacked particular clauses in a general way, but he seemed to be suggesting that the young offenders bill was all bad. That really is not in accord with the facts.

I would have thought that the hon. member, or at least the hon. member for Greenwood (Mr. Brewin), would have discussed the bill with Mr. John Brown, the New Democratic Party member for Beaches Woodbine in the Ontario legislature. Mr. Brown is a founder of camps for emotionally disturbed children, and is probably best known as being director of the Warrendale home, about which experience he made a movie for the Canadian Broadcasting Corporation. Mr. Brown takes umbrage at much of the criticism of the young offenders act. I suggest that there are few people in Ontario who are as familiar with the provisions of the Juvenile Delinquents Act as is Mr. Brown. What does he have to say about this piece of legislation?

On Friday, January 15, Mr. Brown appeared on the CBC program called "The Bruno Gerussi Show", and was interviewed by the host. I think a portion of the transcript of that interview should go into the record for the edification of all hon. members, particularly those who might not have studied the bill and who are concerned about some of the criticism of it.

Earlier Mr. Gerussi had had Mr. Don Sinclair from the Department of Reform Institutions of the Province of Ontario on his program, and Mr. Sinclair had been critical of the legislation. When the host, Mr. Gerussi, asked Mr. Brown to comment on that criticism he said:

Well, perhaps Don Sinclair is the one single person who has made improvements in reform institutions in Ontario. It bothered me a bit to hear him attacking a bill that I feel is really basically to the benefit of children in the province and I have a feeling—that of course he is an employee of the Department of Reform Institutions—they have been party to this bill and are voicing opposition in the hope that they can exercise some, either political influence or some changes in the act.

I think the bill is a good improvement over the Juvenile Delinquents Act, and I take exception to certain things that came

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out. For instance, in all of the criticisms of the act both by my professional colleagues and by reform institutions people, by Judge Little of the court, and so forth, has been sort of criticism of the language of the bill—that this was going to be a criminal code for children, that they used bad unprofessional terms for kids, and this is nonsense. I've been through the act; I see two places where they use the word inmate. The bill is called the Young Offenders Bill over the Juvenile Delinquents Bill. They speak of young persons continually throughout, and I just don't see that the language of the bill has any basis for criticism.

I think it very legal, very proper, and I don't know what else you would call a young person who is deviant. The psychologist and the psychiatrist would call him a patient, and the social worker would call him a client, and the sociologist would call him a deviant. In the reform institutions they would call him a delinquent at the present time. I would call him a child, and the act calls him a young offender, which means he is a young person under a certain age and he has committed some kind of an act that is contrary to the codes established by the community.

There are some very important things about this act though that we should look at. Instead of calling it a criminal code for children it's a bill of rights for kids. Up to now it has been possible to charge children with juvenile delinquency if they had no place to live, and I myself engineered and set out a legal action against the reform institutions a number of years ago to defend a 15-year old who was declared a delinquent because she had no place else to go. So, I know some of the dangers to children.

These children are not defended. They usually, if they have parents—the parents are usually confused and don't know their rights and so forth; so a kid who doesn't have a place to go is suddenly declared a juvenile delinquent and sent off to a training school, and has the record of a juvenile delinquent for the mere fact that nobody cared enough for him to put him someplace.

The host then indicated that Mr. Sinclair had referred to the fact that under this bill a young person could be sentenced to a specific time, up to three years, and suggested in that sense that he is treated as an adult and as a criminal. In reply Mr. Brown said:

Actually I don't think that's true and I don't make that interpretation of the act myself at all. There are two aspects that go with that. One is that a child, as well as any other person, should have his civil liberties declared in law and rooted in law so that if they are violated he has some legal recourse to it. So, the access the child must have—a specific charge—that's one aspect of it, and I agree he should have a specific charge, and he should know that charge, and he should have the right to legal counsel and defence, and he is doing precisely that which the act sets out which it hasn't done before.

Then, in terms of the sentence all professionals would like to think they're God and they would like to think that they can judge how long a kid should be in their treatment and how long he shouldn't, and of course that's one of the great, great travesties on individuals at the present time.

Thank God even in the psychiatric hospitals there is a limit set for children. Usually in the psychiatric treatment unit they say six months, and these are psychotic children. I don't see how the same government can say they need more than three years to deal with a delinquent child.

My hunch is that it is a very bad thing not to have a definite time limit because it means a child can get lost. We have a large number of children in the province of Ontario who have gotten lost in our institutions, and this act, not just in Ontario but across the country, says this will not be possible in the future.

It says many other things very definitely and specifically that are helpful, that protect the child and set limits on the professional person who helps the child, in terms of length and what