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A look at the proposed new law for young offenders

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## Mr. Trudeau abroad (late news)

The Prime Minister will visit Iceland on May 6, at the invitation of Prime Minister Geir Hallgrimsson. He will go on to London to attend the Downing Street Summit on May 7 and 8, and the opening session of the North Atlantic Council Ministerial Meeting, together with leaders of the other 14 NATO member nations on May 10 and 11.

The Downing Street Summit is the third of a series of meetings of the leaders of the major industrialized democracies. Participating will be Canada, Britain, France, Germany, Italy, Japan and the U.S. The most recent meeting was in Puerto Rico in June 1976.

Mr. Trudeau has also accepted the invitation of French President Valery Giscard d'Estaing, to dine at the Elysée Palace, Paris, on May 12, before returning to Ottawa. The Young Offenders Act, the proposed legislation for young offenders, which replaces the 1908 Juvenile Delinquents Act and revises the Young Persons in Conflict with the Law report of 1975, was recently made public. Its proposals are built upon the following principles:

That young persons who commit offences should be responsible for their acts, affording society greater protection from illegal behaviour;

 that, along with supervision, discipline and control, young persons have special needs and require guidance and assistance;

• where not inconsistent with the protection of society, alternative social and legal measures for dealing with young persons should be used;

• young persons have rights and freedoms equal to those of adults — a right to be heard and to participate in the processes that lead to decisions which affect them and special guarantees of these rights and freedoms;

• in every instance to be informed of their rights and a right to the least interference with their freedom, having regard for the protection of society, the needs of young persons, and the interests of their families;

• that parents have responsibility for the care and supervision of their children; therefore young persons should only be removed from parental supervision as a last resort, at which time they shall be dealt with as much as possible as if under the care and protection of wise and conscientious parents.

## Major provisions

The jurisdiction of the Young Offenders Act would be restricted to offences against the Criminal Code of Canada and other federal statutes and regulations, excluding offences against provincial statutes, municipal by-laws and status offences. The traditional offence of "delinquency" would thereby be abolished. The general intent is to exclude non-serious conduct from the scope of the criminal law. As a result of this, provincial governments may be required to amend existing legislation, including child welfare and youth protection laws in order to deal with less serious deviant behaviour.

Ottawa, Canada.

The Young Offenders Act would set a minimum age of criminal responsibility at age 12, rather than age seven. The Act presumes that persons under the age of 12 are not sufficiently mature to be held responsible and accountable for illegal acts under criminal law.

The maximum age of jurisdiction would be set at under 18. However, the new legislation would continue to provide the provinces and territories flexibility in setting the maximum age at either 16, 17 or under 18. The longrange goal of the Federal Government is to establish a standardized maximum age of 18 across the country in order to ensure that procedures, practices and services of the juvenile process will be available in all provinces and territories.

Included in the proposed legislation are basic factors to be considered when screening and diversion are practised – factors such as the gravity of

