

Committee on Justice and Legal Affairs for revision and that in this process opportunity is provided for public submissions and discussion before the Bill, in amended form, comes again before the House.

If the bill reaches the committee, the government may treat it as it treated the federal court bill. The committee will not want to hear witnesses. They will say, "We will hear two or three witnesses, and then we will wrap it up." The committee certainly will try to wrap it up.

Let us see what other people say about the bill. I have here another letter from another man. I asked him to come to my office in Calgary. I said, "Let us organize a meeting." After that about 30 people came to my home; approximately 15 or 16 of them were academics representing various social agencies of the city. Others were young lawyers. After studying the act they characterized it with the words I used earlier. That is where they were first suggested to me, actually. May I point out that many of our young lawyers wish to help our young men and women who are involved with penal institutions. Here, in this bill, we talk about training schools, yet there are not enough training schools in the country to meet the need.

You know, Mr. Speaker, this is a government of "highs". We have high unemployment and the highest murder rate we have ever had. As a result of drugs and other problems, we have the highest number of young people ever incarcerated in our penal institutions. That is another high. Let us take a look now at what Professor Price from Queen's University has to say. I want to prove this case, since I have used language as strong as I have used. The minister has read out a little essay written by his staff but it is time we exploded the impression contained in it. I am here this afternoon to explode what I think amounts to a complete deception and to emphasize that the act we are dealing with represents a backward step. This is what Professor Price has to say:

• (3:30 p.m.)

Dear Mr. Woolliams,

You may remember that we met at the conference this Spring of the Ontario Association of Corrections and Criminology at Cedar Glen. I understand that you are the critic of the Progressive Conservative Party on matters relating to criminal justice and corrections, and it is in this connection that I am writing to you.

As you know, Bill C-192, the proposed new Young Offenders Act, was given first reading in the House this past week. I am writing to urge that this bill be referred to the Justice and Legal Affairs Committee. I perhaps should mention at this point that I served as Secretary to the Department of Justice Committee on Juvenile Delinquency, and was the principal author of its report entitled "Juvenile Delinquency in Canada". The proposed new legislation has its origins in that report.

I think it is most important that interested groups and individuals have an opportunity to make formal submissions in the manner in which Committee hearings would permit. In my view, legislation of this importance should not be enacted without full public hearings.

Apart from the general matter of principle, I would suggest that there is a particular reason why this bill should be referred to the committee. Recently I made a tour to a number of cities in Western Canada in connection with a study that I am doing of The Canadian Law of Criminal Correction. I heard quite a number of complaints that interested groups, such as Juvenile Court Judges and Probation Departments, had not been consulted in connection with the draft Children and Young Persons Act.

Young Offenders Act

I pause there. Wherever you go in this country you find that the government, or the Department of the Solicitor General did not consult with the provinces, did not consult with the agencies which are doing this work and who understand the psychological problems of young people who run afoul of the law. This is why the writer of this letter says there must be a full hearing. I know why this bill is before us in its present form. I read in the newspapers that the government was so busy getting the public order legislation drafted that they only had a small amount of legislation ready. This bill happened to be one that was ready for Teddy, and here it is.

Professor Price continues:

Some that had been consulted wanted a further opportunity to follow up an initial brief contact. Apparently the Government of Canada was careful to consult with the provincial governments as such but many of the provincial governments took a very narrow approach—

I do not need to read any more of that. Let us see what the provinces are saying. I quote from the Ottawa Journal of November 18. Ontario took the same position as we are taking out in Alberta.

Two Ontario cabinet ministers attacked the federal government's proposed Young Offenders' Act Tuesday, saying it had tremendous implications for the provinces.

The bill introduced in Parliament Monday, suggests that "juvenile delinquency" be abolished as a special criminal status. It also would repeal the federal Juvenile Delinquent Act.

It defines a young offender as a youth between 10 and 21 years of age. At the same time it raises by one year in seven provinces the maximum age of children to be tried in family courts rather than in ordinary criminal courts.

One of the ministers went on to say he doubted whether Ottawa would help finance the extra training schools which would be needed if the bill were passed. The responsibility for creating the training schools is being thrust on the provincial governments without any commitment being made for their financing by the federal government. This is typical.

Now, take a look at what the Canadian Mental Health Association has to say about this bill. They use some pretty strong language, too. They say the bill is, in fact, "a Criminal Code for children". I would think that in 1971 we could do something better than that. The Association describes the bill as being "distasteful in its terminology, legalistic in its approach and punitive in its effect."

I intend to deal with some of the clauses, and with one of them in particular. Suppose a child aged 11 or 12 had, in some circumstances, committed murder. What would happen to him under the terms of this bill? It is so easy, under this bill. A child can come forward and say: "I am guilty". There is a clause which says you do not have to plead. You say "I am guilty of all this". However, if an offender were found guilty he would go to a training school until he was 21, with this offence hanging over him all the time. Then, at 21 he would be brought before a court like an adult under part 17 of the Code which deals with indictable, serious offences like murder, robbery with violence, manslaughter, theft of more than a certain amount, rape, and so on. Then, he would be sentenced as