

home or foster home, etc? It is obvious that with respect to commitment, the provision in this bill is a retrogressive step. It is not in keeping with the Juvenile Delinquents Act or with the report of the justice committee.

The seventh ground is that clause 30(1)(h) sets forth that where one is liable to the death sentence or life imprisonment as the result of conviction, a young person shall be directed to a training school for a period of three years, after which it is within the discretion of the judge to return the child to an adult court for sentencing. This has been rightly called double jeopardy with regard to sentencing. Mr. Speaker, I ask you, or the Solicitor General to point out any criminal code in the western world that contains a provision with regard to double jeopardy in sentencing. That is not worthy of a country like Canada which is attempting, in its shabby way, to bring forth a just society.

It is not worthy that the report of the justice committee did not contain any recommendation with regard to double sentencing. Members of the committee were aware of the risks that might result from releasing a young person after three years' treatment in a training school but, if I read their report correctly, they were prepared to take the risk of reforming and rehabilitating a young man within three years, rather than accept the possible detrimental effects of long-term confinement. They were prepared to accept the risk of a young man returning to society after three years, despite the possibility of recidivism, rather than the result of long-term confinement.

An eighth area is that involving fingerprinting. Clause 74(1) of the bill provides that a young person may be fingerprinted if a juvenile court judge orders it to be done. Again, it is rather striking that the justice committee made no recommendation with regard to fingerprinting. Therefore, it is reasonable to infer that they saw no merit in it.

A ninth area covers the transfer of young offenders to adult institutions. Clause 47 permits a judge, on application by the superintendent of a training school, to transfer a child to an adult institution if he deems this to be in the best interests of the young person or of the other inmates of the training school. What a contrast this is to the Juvenile Delinquents Act! Section 26 of that act, passed away back in 1929, said that no transfer whatever should be permitted, under any circumstances, of a juvenile delinquent to an adult institution. People in those days realized that sending young offenders to adult institutions was only giving them an opportunity to meet adult criminals and to adopt their ways and thinking. In that respect this bill is a step backward.

My tenth and final ground is that this bill has set the minimum age as ten years at which a child can come under the jurisdiction of a juvenile court. This is a slight improvement over the Juvenile Delinquents Act which set the age at seven years. Yet the government has opted to continue the use of quasi-judicial procedures and sanctions to control the anti-social behaviour of young children. This is done at a time when the approach is toward the integration of delinquency and child welfare services,

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fostered and partly financed by the Canada Assistance Plan.

It is done at a time when England, Scotland and the Scandinavian countries have restricted or abolished the adversary system in juvenile court prosecutions. May I give an example. The Children and Young Persons Act passed in England in 1969 stipulated that with the exception of homicide there are to be no criminal prosecutions of young people under the age of 14 years. Compare that with the age of ten years stipulated in this bill. They state that young people shall be treated informally through agencies or formally in juvenile courts when children are apparently beyond control or in need of protection. For young people from 14 to 17 years of age, prosecutions are only allowed for serious offences laid by qualified informants, and they are prohibited where the case can be dealt with by caution or counselling or by means of child protection proceedings.

• (4:20 p.m.)

That is in England, Mr. Speaker. In Scotland they have gone much further. In the Social Work (Scotland) Act of 1968 they say that there shall be no prosecution of children under 16 years of age except on instruction of the Lord Advocate. They set up a panel system of three persons trained in social work. They deal with their young people by having them appear before the panel, which disposes of each case with rehabilitation and reformation as the foremost considerations.

It is obvious that in England, Scotland and the Scandinavian countries there has been a shift from the quasi-criminal process and adversary system to one which ensures provision of adequate social control. I ask the Solicitor General, why can we not have the same approach in Canada? Surely the provinces could take care of young people up to 16 years of age, with the financial assistance of the federal government for building training schools and providing resources to help and guide them. No young person should be stigmatized either as a young offender or a criminal when he is under 16.

The federal government should take the initiative with regard to young people between the ages of 16 and 21, because that is the crucial age. We should do all we can to prevent this stigma and the imposition of a criminal record on those between the ages of 16 and 21. This would be an enlightened approach and I think we should give it our full attention. It is not enough to protect a young person from the arbitrariness of a court. We have to develop a social philosophy with adequate resources and people to meet this problem. That is why I am moving the following amendment, Mr. Speaker:

That this bill be not now read a second time but that this House affirms that young persons should not be treated as criminals and that the principle of flexibility of treatment of young persons should be emphasized rather than the legal technicalities of the criminal law.

If we are to make any progress with regard to having our young people become Canadians of whom we can be proud, we have to develop institutions which will implement social policies for reform and rehabilitation rather