knowledge that was then available on the subject. For the first time it made a distinct point of separating adult offenders from youthful offenders. It removed the juvenile delinquent from the Criminal Code. It established special court procedures more suitable to meeting special problems of the youth of Canada who found themselves in difficulty with the law. There were deficiencies that became increasingly obvious as time went by. The main deficiency was the fact that the Juvenile Delinquents Act extended down to the tender age of seven. Some of the treatment that was meted out in the juvenile courts to children of that tender age was hardly in line with the knowledge we have with respect to child psychology.

I do not know why the age of seven was established in the original act. There is an old saying that as the limb in bent, so is the tree inclined. Perhaps that was the basis for it. There is another saying, give me a child until he is seven years of age and I will establish the pattern of personality for the rest of his days. These tales purported to be an understanding of child psychology at that time. It became obvious that this was hardly adequate to meet with the current situation. We became aware that the term "delinquency" was too embracing. There had to be more flexibility in dealing with the various behaviour categories and misdemeanours of young people. One of the greatest weaknesses was the emphasis on reform schools or, as they are called in the act, training schools. Herein lies the chief weakness of our whole system of penal reform in Canada.

This is still shockingly true with regard to the adult level. Our present institutions, jails, penal institutions or whatever you wish to call them are more attuned to the practice of penology that existed in the nineteenth century than the requirements of the twentieth century. I am sure hon. members will agree that our present jails might better be described as black holes of Calcutta or institutions very much like the black hole of Calcutta. I know this applies in my own city of Brandon. They are not meeting the demands for reform and opportunities to acquire skills and education that will make it possible for adult offenders to return to the community as useful citizens. In the final analysis, this is the purpose of incarceration in penal institutions. Everyone agrees that something should be done but we do not have the facilities available in the form of buildings and trained staff.

Those who have the responsibility of being jailers, as they are still called, do their best under the circumstances, but we are still far from achieving the ideal situation where the people in charge of our penal institutions have thorough and adequate preparation in the social sciences to place them in the position of being able to adequately deal with the problem. This situation exists in the adult penal institution and it also exists in our training or reform schools. We are aware that throughout this country there are reform and training schools that were resorted to with far too much frequency under the Juvenile Delinquents Act. They are quite inadequate to deal with the more flexible approach to the treatment of young offenders that is required if we are to implement the spirit of penal reform as it was presented in the report of the justice committee, and as it has been emphasized by an increasing number of citizens across this country.

I wish to deal with another point with respect to the changed circumstances. I think hon. members will agree that our juvenile court judges have a much more sympathetic approach to the remedial and therapeutic aspect of dealing with offenders than was the case hitherto. The fact that I have received strong protestations from juvenile court judges with respect to certain clauses in the bill is an indication that our judges are now trained and skilled in the social sciences. They demand an act that will be in the spirit of modern penology rather than, as was expressed in the very strong statement of the Canadian Mental Health Association, in the form of a criminal law for children.

• (9:40 p.m.)

I believe the minister is now aware—he has certainly been made aware of it since this bill was first presented to the House—that the measure as it stands fails to introduce the reforms we hoped would be realized. A statement which has come from a juvenile court judge supports the view which has been put forward by members of the opposition. He said: "This bill must be drastically amended or defeated." I am sure hon. members favour the more positive of these actions. We would like to see the bill amended in such a way that it would do what has been desired for so long, that is, accomplish reform and overcome the deficiencies of the present act. This can only come about if substantial amendments are brought before the House and approved.

If the House supports the motion that the bill be not now read a second time but that it be referred back to the committee for the necessary amendments to be made, our difficulty will be overcome. I am sure that members from all sides of the House, working together, will be able to bring about the changes necessary to deal with some of the more obvious weaknesses of the legislation.

The minister himself, when he introduced the bill, told us it was not perfect. That was an understatement. Responsible people all across Canada have pointed out that it is not only imperfect but that it is unsatisfactory, that in fact it moves away from reform rather than in the direction desired. To support this argument I would outline some of the major defects in the bill before us. In the first place, the very recommendations of the committee set up in 1961 by the then Minister of Justice Hon. Davie Fulton, are denied by some of the major provisions in this bill. It fails to remove completely the possibility of using convictions against juveniles for future reference. This is a fundamental weakness, particularly when one realizes that a child 10 years of age is placed in exactly the same category as a juvenile of 17 years.

It is obvious there should be more flexibility in dealing with offences by a child of the tender age of 10 who, under the terms of this bill can be treated in the same way as a juvenile between the ages of 14 and 17. This is another obvious weakness of the legislation. The bill is too rigid, and this opinion has been expressed by magistrates who have the responsibility of administering the law. Moreover, the bill relies too extensively upon the