

Young Offenders Act

intrigues me concerns the name of the act. Should it be changed from Young Offenders Act to Young Persons Act? I think that question should be examined. I strongly suggest that for juvenile court judges there should be a specialized training program. These are not judges of a general nature; they require a specific knowledge. They should receive specialized training covering such matters as the principles of child psychology and personality development, the prevention and treatment of delinquent behaviour, juvenile court law and the rules of evidence. In other words, they should know something about this particular subject. Juvenile court judges should continue to be appointed by the provincial authorities but selected only from names recommended by an advisory group of representatives from such fields as education, law, medicine, religion and social work.

● (8:10 p.m.)

There has been criticism that the provinces will be saddled with additional costs if this bill is enacted. This is quite possible, but that is not the point. If the net result—and this is what we wish to attain—is prevention of juvenile delinquency and permanent rehabilitation of our young offenders, any additional funds spent by the provincial authorities will be well spent.

Mr. Lorne Nystrom (Yorkton-Melville): Mr. Speaker, Bill C-192 which we are debating replaces the Juvenile Delinquents Act with the Young Offenders Act. I say at the outset that I am not a lawyer and do not profess to be an expert on the legal interpretation of this bill. I leave that to members such as my colleague the hon. member for Broadview (Mr. Gilbert). I have a purely human interest in this bill and I am speaking tonight as what is commonly called "Joe citizen". I have an interest in what this bill will do to those young people affected by it. I have a human interest in the type of society we have produced and the type of society this bill will help evolve in the future.

The title of the bill, the Young Offenders Act, is both inappropriate and misleading. In the bill a child is defined as a person under the age of 17 years. The bill continually refers to a young person as being a child over the age of 10 years. Most of the provisions in the bill are applicable to children 10, 11 or 12 years of age. As many members have already pointed out, the title of the bill is misleading. Many hon. members, including the member for Broadview and the hon. member who just spoke, have suggested that the title should be changed to the Young Persons Act.

Many hon. members have received dozens of representations from ordinary citizens, various groups and people who have experience in criminal law. Most of these people are concerned that if this bill is passed it will be in essence a criminal code for children. The bill is very distasteful in its terminology. Throughout the bill there are references to offenders. The title of the bill, the Young Offenders Act, is very negative. It implies that someone is condemned before he is tried. It refers to inmates, training schools and uses language of that sort.

[Mr. Tolmie.]

This is very distasteful in a bill that affects children of 10, 11, 12 or 13 years of age.

The bill is very legalistic in approach. It deals in cold legalisms. It lacks some of the human elements that are necessary when dealing with an area such as this. It deals with young people and the problems in which they become involved. It is more concerned about technicalities than with the social conditions that motivate or provoke young people to do those things which our society does not deem to be regular or law abiding. When dealing with children of this age, the courts should have the maximum amount of flexibility in order to help rehabilitate young people rather than just punish them. There is a wrong emphasis in the bill. As I already pointed out, the title condemns rather than doing something more positive. The bill is punitive in nature, and harsh. It segregates the child who breaks the law from the mainstream of society, limits the discretion of the judge and does not give him as much flexibility as is necessary in dealing with young people.

The bill lacks the human element of compassion and understanding. Many hon. members, including the minister, have been asked who participated in the drafting of this bill. Were the young people, organizations, groups and welfare workers consulted? It appears they were not. I think the Solicitor General (Mr. Goyer) will have to admit that the bureaucrats in his office drafted the bill. Perhaps this is why the bill is so cold and legalistic in approach and lacks the compassion and human understanding that is necessary.

This bill is reactionary in approach. Some hon. members have described it as a Spiro Agnew type of approach to law. We do not need a strong, iron hand, ultra-conservative type of approach in this country. The bill is reactionary instead of progressive. A punitive approach to the law is not the direction that society should be following. When I look at bills such as this I wonder where the great Liberalism is that was talked about a few years ago. Where was participatory democracy when this bill was drafted? Were the young people, social workers and those experienced in this field consulted? This is nothing but a reactionary piece of legislation. In my opinion it reinforces the type of society from which people are becoming more and more alienated, the type of society against which young people are rebelling.

With regard to the content of the bill, the government has displayed nothing more than a "swinging" image. Instead of reaching into the future with progressive legislation, this bill reaches back to the age of the dinosaur. It is all talk and no substance. For this reason I suggest that hon. members should vote on the bill according to their consciences. They should be free to vote in the way they feel, not as directed by the people who drafted the legislation.

The amendment before us is good. In essence it suggests that the bill should be withdrawn and a task force appointed to redraft new legislation. This is a good idea. In addition to consulting professional people and experts, the task force should consult lay persons, the people directly affected by legislation such as this. If we cannot convince the minister and the powers that be to with-