

*Young Offenders Act*

get the legislation through the committee stage, that ample time be granted for concerned individuals and organizations to present their views, that ample time be permitted for an attempt to reconcile or to choose between the two major philosophical approaches to this question, that of the deterrent school and that of the behavioural problem school, if I may be permitted to oversimplify. I hope the committee study will result in an understanding of the intentions of the provincial governments with respect to the administration of the act, should this bill become law, and that the committee will have an opportunity to review related legislation in foreign jurisdictions.

● (5:20 p.m.)

In brief, I hope the government will grant the committee a completely free hand to alter, amend and vary this legislation after the fullest possible study of its subject matter. Beyond that, I would urge the government to treat this legislation as a matter of conscience rather than as a matter of government policy. I should like to take a moment to suggest the kind of legislation I would like to see emerge from such committee study. I hope the philosophy which emerges will not emphasize punishment but, rather, will emphasize the reformation and rehabilitation of the individual.

I hope a clear understanding of the kind of facilities and procedures necessary to provide for reform and rehabilitation will emerge, and that there will be a clear understanding of how they are to be provided and where the money will come from. I hope that such a study will result in a system of articulated rehabilitation agencies being established. I hope that such a study will result in the avoidance of the child being treated, as is the case in respect of the present act, as a little adult with no reference to the key importance of the family unit. Further, I hope that the double jeopardy aspects of the law will be removed during the course of the study. I hope the study will result in raising still further the age at which a young person is liable to criminal prosecution. Finally, I hope this type of philosophy will be reflected in a new title for the bill which would avoid the term young offender.

I made no apology for not having gone into these areas of concern and many other related matters in more detail. This has already been done, and ably, by other spokesmen for this party, notably the hon. member for Broadview. I would simply again urge the minister to give sympathetic consideration to the points I have made in the course of my brief remarks and which other members made this afternoon, yesterday and on earlier days when the bill was debated. Failing his undertaking to consider these matters, and failing his giving a firm undertaking to this House to the effect that they will be embraced within amendments to the bill, I cannot see how we have any alternative to supporting the amendment which has been presented to the House by the hon. member for Broadview.

[Translation]

**Mr. André Fortin (Lotbinière):** Mr. Speaker, on second reading of the bill presently before us, that is, the act

[Mr. Rowland.]

respecting young offenders, I should like again to call the attention of the minister to certain remarks that I made on January 13 and 14, when we were considering a motion by the hon. member for Calgary North (Mr. Woolliams), that consideration of this bill be entrusted to a group of experts.

At that time, Mr. Speaker, I was calling the attention of the minister to clauses 2, 4, 19, 26, 28, 30, 39 and 74. I had limited my study of the bill to these clauses, and after considering the whole thereof, the aspect which impressed me was that these clauses were all inspired by the same philosophy regarding criminality.

Mr. Speaker, I said then that Bill C-192 was prompted by an impulse to jail individuals rather than to rehabilitate them.

I also stated in that connection that courts were duly set up, that the taking of pictures and fingerprints as well as the imprisonment of young people with adults were allowed, and that under some provisions of the law those young people will be submitted to a cross-examination. In short, those provisions, based on the same philosophy of criminality, do not make any distinction between young and adult offenders found guilty of the same offences.

Mr. Speaker, Maurice Patin, a former President of the Criminal section of the Supreme Court of Appeal, said the following:

If we want to eradicate crime, there is something else to do than to punish the wrongdoers.

That means that from now on, we shall have to get inspiration from a philosophy of recuperation of the individual who, for one reason or another, suffered prejudice or was unlucky and one day found himself before the welfare court, in Montreal or elsewhere, after having been caught in the very act of breaking and entering, rape, receiving stolen goods and any other offence. If he is shown understanding, and if dialogue is possible, we are on the right track. If, furthermore, the judge who hears the case of the young boy or girl is provided with the necessary resources to ensure their rehabilitation, we could say that Bill C-192 is a step forward.

I have no doubt that this act must be brought up to date, since the last one was passed, I believe, in 1929. It is obvious, Mr. Speaker, that in that field and many others, we must keep up with the times. But the fact remains that, under our present system, this bill does not change the situation in any way. It gives more discretion to the judge with regard to the criminal aspect, but less with regard to rehabilitation.

● (5:30 p.m.)

Mr. Speaker, we wish precisely the contrary and that is the point on which I want to draw the attention of the minister. Here is a real case: a young person, found guilty of burglary appears before the welfare court judge. The judge must study in his office close to 3,000 cases a year. That is nonsense. That shows how the judge cannot discharge conscientiously his duties, even if he wanted to. Whether he be the best judge available, if he is to hear 25, 50 or 60 cases of delinquency per day, he