

*Young Offenders Act*

**Mr. Deputy Speaker:** Order, please. I regret to interrupt the hon. member but his time has expired. The hon. member can continue with the unanimous consent of the House. Is there such consent?

**Some hon. Members:** Agreed.

**Mr. Bigg:** Thank you, Mr. Speaker. I shall be brief. I cannot hope to cover all the points which I know will be discussed in committee. Before I resume my seat, however, I should like to appeal to the House to send this bill to committee so that each and every organization in Canada which has particular knowledge of these matters, such as the psychologists, the medical doctors, the John Howard Society and the Elizabeth Fry Society, the attorney generals' departments of the provinces, can be asked to present briefs. A measure to deal with young offenders has to be a joint effort because it is something which is more important than the constitution itself. I think the provinces might well bend to federal plans for such legislation. We are trying to have uniformity and we are trying to teach our young people that we are treating them all alike. This means we are approaching the whole problem with justice tempered with mercy.

**Mr. Jack Cullen (Sarnia-Lambton):** Mr. Speaker, I was extremely pleased when the Throne Speech indicated that the government intended to bring in legislation to replace the Juvenile Delinquents Act. This decision followed many years of fact finding, study and decision by a special committee. I think the conclusion was correct, namely, that changes were necessary.

Attitudes concerning young people who get into difficulty by breaking the laws of the land have run the whole gamut of reason and emotion. They have also run the full gamut regarding who is to blame when a child runs afoul of the law. For example, attitudes range between the fault being totally that of our society or totally that of the young person who breaks the law. Surely, somewhere between the two, and not necessarily right in the middle, and we must look for the answer.

At one end of the attitude spectrum is Dr. M. P. Marcilio who said:

They are victims of situations, of psychiatric situations and emotional deprivation.

At the other end of the scale we hear people saying, as did Mary McMorrow of Scarborough, when writing in the *Globe and Mail*:

Such an approach—

Referring to Dr. Marcilio.

—has probably caused more problems than it has cured. Even when this paternalistic sympathy and excusing is justified, is it a good reason to suit the laws to the weakest and least responsible in our society.

She also wrote:

We spend millions nurturing responsibility through education and probably more pandering to irresponsibility through our laws. Any new law which would change this ridiculous situation is well worth trying.

[Mr. Bigg.]

Of course, she refers to the Young Offenders Act.

Another approach was that adopted by Mr. George Hendry of Highland Creek who also wrote in the *Globe and Mail* on this subject:

A respectable kind of legislation dealing with crimes by youths will be, among other things, a law in which being young will not be a crime—that is nothing will be a crime for a youth which is not a crime for an adult and one in which youths will be guaranteed neither more nor fewer rights than adults. By and large, punishment should be for doing, not being.

With respect to this young offenders bill, in response to criticism by the Canadian Mental Health Association I gave the bill a more careful reading. I must confess that, having studied it clause by clause, I had to give some clauses more than passing attention because of the gnawing feeling that changes were necessary. On the whole, however, it is a first rate piece of legislation. I now find that my opinion has the backing of the Canadian Bar Association. They support the principle of the bill and make recommendations for some changes that may very well be acceptable to the Solicitor General (Mr. Goyer).

I am not unfamiliar with the practice under the Juvenile Delinquents Act, having spent many years in Sarnia dealing with young people who ran afoul of the law, who were found guilty and thus, by definition, became juvenile delinquents. Some of their actions which resulted in these charges seemed to me to be absolutely stupid. I remember on more than one occasion asking these young clients "why did you do this thing?" I received more often than not their completely honest reply "I really do not know". Sometimes their course of action was dictated by revenge for some wrong, imagined or real. There were times when things were done on a dare, in order to be one of the boys. There were times when established authorities were not as reasonable as they might have been and when youths overreacted to a situation, as they might have been expected to do, but unhappily they ended up branded juvenile delinquents.

● (4:20 p.m.)

In addition to this practical experience, having read the bill and the criticisms of it by the Canadian Mental Health Association and others, and having read the ten page response written by the then solicitor general, the Hon. George McLraith, as well as having made a point of being present for all of the debate—with the exception of two addresses which I subsequently read in *Hansard*—I am still satisfied that this is a good piece of legislation. With a few changes, it can be looked upon not as a criminal code for young people but as a bill of rights for young people.

When the Canadian Mental Health Association criticized this legislation, the role taken by some members of the opposition was predictable. They figured they had a good thing going and proceeded to the application of hyperbole in condemning the bill. Unfortunately for these few members of the opposition, the electorate are just a little too sophisticated to swallow the kind of criticism that they had for the bill. The *Ottawa Citizen* of Satur-