

Young Offenders Act

the new year, may I extend to you and to all members of the House best wishes for 1971. I join in the remarks of the minister who has just spoken concerning the long association that many of us have enjoyed with the former solicitor general. We shall miss him in that capacity. I am happy that he is still a Member of Parliament. I trust that he will give some guidance to the department and to the government on these questions. I also wish to extend my congratulations to the new minister, a young lawyer. He has accepted a portfolio which gives great scope for reform, and especially for reform affecting our young people.

Having said that, I am sorry that I cannot be as optimistic as the minister was in his speech. Before this debate ends I hope that he will read the bill thoroughly. His knowledge of it should extend beyond the facts contained in the department's brief to the government. When I have finished speaking I intend, on behalf of my party, to move a motion. That is how serious we think this bill is. At the outset, may I say that I have examined the bill carefully. I have received letters from various academics of universities, from lawyers, professors, psychologists, psychiatrists, and from people engaged in social welfare work. Of course, all of us received the brief from the Canadian Mental Health Association. None of the people I have mentioned are very happy about this bill.

Let me say at the outset that I hope to be able to prove and to document very carefully the argument I am about to present. In my opinion—and these are hard words—this bill will continue in force those sections of the Criminal Code dealing with the conviction of persons seven years of age and over. I think I ought to put the relevant sections onto the record. Section 12 of the Criminal Code reads:

No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years.

I shall have something to say about that section in a moment. I tried to move an amendment to that part of the code, but it was talked out by various members of the Liberal party, I think at the suggestion of the former solicitor general. Section 13 reads:

No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of fourteen years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong.

I had hoped that the bill would have done something to amend these sections. The new bill is most archaic. It is the most punitive, enslaving, vicious and tyrannical piece of legislation that has ever come out of the legislative grist mill. Professors, academics from across the country and members of welfare organizations came to my home because they knew I was to take part in this debate. What they said substantiates what I have said about this bill.

At this time many of our people are unemployed. Many university graduates and college students cannot get jobs. With that in mind, surely the government could have come forward with a better bill than this. Let us

[Mr. Woolliams.]

see what some people are saying about the bill. First of all, may I read a letter that comes from my home city. It is from Professor Frost of the Faculty of Education, Department of Educational Psychology. He says:

Dear Mr. Woolliams,

Re: The Young Offenders Act, 1970

Because the juvenile courts, which have jurisdiction over children aged 10-17 need many choices open to them and maximum flexibility in order to make decisions that consider the total needs of the child who is before the court:

I support the recommendations of the CELDIC Report,—

I will refer to this later. I continue:

—"One Million Children" that the services of health, education, welfare and corrections should not segregate a child but should, wherever possible, provide help to his family, his school and within his own community;

I oppose the Young Offenders Act—

That is what Dr. B. P. Frost, Associate Professor and Head of the Division of Clinical Diagnosis and Special Education says. I continue reading:

I oppose the Young Offenders Act because it is designed to segregate the child who breaks the law. It deals only with his behavior and does not consider his total needs nor his resources. It is inflexible and legalistic and it severely limits the discretion of the judge and the supporting staff and agencies that he calls upon to help the child.

In effect, the Young Offenders Bill is a Criminal Code for children.

We are bringing in a new Criminal Code for children. That is what the government is bringing forward at a time when there are so many young people unemployed that we shall see a crime wave, which may have already begun, more serious than any we have seen since the 1930's. The letter continues:

I urge you as my Member of Parliament to oppose this new bill, the Young Offenders Act, and to recommend that, in the interests of the children of Canada, the Bill be returned to the Committee on Justice and Legal Affairs—

This bill will go to that committee only under certain conditions, if I have anything to do with it. Of course, the government has an overwhelming majority in the House and after the bill has been discussed for second reading, it will be sent to the committee. We know what is likely to happen. The committee is chaired by a government supporter, and the majority of committee members are also government supporters. Except for a few innocuous amendments, this bill will be presented almost unchanged for third reading. If I have any power to do so, I shall see that the bill as it now stands will never reach the committee. I intend to move a motion so that when the bill, after some changes, reaches the committee, it can be discussed intelligently, in order that we may do something beneficial for the greatest resource of Canada, our youth.

Some hon. Members: Hear, hear!

Mr. Woolliams: The letter ends by saying:

I urge you as my Member of Parliament to oppose this new bill, the Young Offenders Act, and to recommend that, in the interests of the children of Canada, the Bill be returned to the