General admitted this in his speech when in opening the debate, as recorded at page 2370 of *Hansard,* he said:

> —unanimity could not be achieved on all the proposed reforms, and some compromise solutions had to be adopted in order to win approval by a majority of the delegates. Consequently ... the bill which I am submitting ... for second reading is certainly not perfect.

The words "Consequently the bill I am submitting for second reading is certainly not perfect" are absolutely true. This has been shown by the opposition which has been forthcoming from organizations and experienced persons across the country. I cast no reflection on the Solicitor General but serious reflection on the senior officials of his department. They watered down and restricted many of the recommendations; they failed to adhere to the philosophy set forth in the bill drafted by the justice committee and introduced a bill which is retrogressive and punitive.

If the Canadian Bar Association can set forth 14 areas of disagreement, I respectfully suggest that there are at least 10 areas in which we can demonstrate the inadequacy of this bill. Clause 4 of Bill C-192, the young offenders bill, provides:

> This act shall be liberally construed to the end that where a young person is found under section 29 to have committed an offence, he will be dealt with as a misdirected and misguided young person requiring help, guidance, encouragement, treatment and supervision and to the end that the care, custody and discipline of that young person will approximate as nearly as may be that which should be given by such a young person's parents.

It is obvious that these words again have been taken from section 38 and section 3(2) of the Juvenile Delinquents Act, with two major exceptions. Those two major exceptions as set forth in the Juvenile Delinquents Act are, first, that the young person shall not be treated as a criminal and, second, that he shall not be treated as an offender. The Justice Committee in its report states that the young person shall not be treated in a punitive manner and shall not be treated as a criminal.

That philosophy or attitude of not treating a young person as a criminal, as an offender or in a punitive manner is totally absent from clause 4 of this bill. This is where there is a sharp conflict in respect of the philosophy, because it seems to me the Solicitor General is not stressing the philosophy and attitude which should be taken toward young people and is placing the major emphasis on the arbitrariness which he and his officials feel young people may have objected to under the previous act. That is the first point in respect of the philosophy.

The second point has to do with the title. It is now called the Young Offenders Act. It is striking to note that in the French version it is "Loi sur les jeunes délinquants". In other words, there is almost a direct reference to juvenile delinquents in the French version. The justice committee recommended the title of Children and Young Persons Act. In other words, they did not want to stigmatize a young person as an offender in the same way young people were stigmatized as juvenile delinquents. That is very important.

The third area is that the justice committee in its report dealt with the informal disposition of cases without the necessity of formal trial where the police clearly indicate the commission of the offence, where the substance of the charge is admitted by the child and where the express consent of the parent is obtained. Bill C-192 restricts these cases to those not involving infliction or risk of serious bodily harm and allows the Attorney General to exercise a veto over such procedures within a period of time. This is totally absent from the report of the justice committee. In the past, juvenile courts have had the power to dispose of cases without the laying of a formal charge. Therefore, by restricting this type of disposition to cases that do not involve infliction of serious bodily harm there is a further restriction, rather than an expansion, under the terms of this bill.

• (4:10 p.m.)

The fourth area deals with convictions. The draft bill drawn up by the justice committee not only said that a criminal conviction should not be used or considered with regard to a second criminal offence, but that it should not apply to other subjects and disciplines. In other words, it said not only was it necessary to prevent the use of criminal conviction in a subsequent hearing, but it was necessary to prevent its use whenever a young person applied for employment. Clause 71 of Bill C-192 confines this restriction to prohibition on a conviction being used in subsequent criminal proceedings, but says nothing about the other disabilities which may be imposed on a young person. In other words, there is no attempt to protect young people against discrimination as a result of past convictions, when they seek employment.

In the fifth area, Mr. Speaker, the justice committee recommended that the law guardian system in operation in New York should be applied. In other words, a public defender could be obtained by a young man charged under the terms of the bill. But the bill itself has made no provision for legal counsel as a right of the accused. His right to counsel is placed within the discretion of the juvenile court judge. In a bill that is so complex and technical, compared with the succinct, clear wording of the Juvenile Delinquents Act, I am amazed that the guarantee of legal counsel, recommended by the justice committee, has not been spelled out in clear terms.

With regard to commitment to training schools, the justice committee recommended that commitment to a training school should only be a last resort and only for a period not longer than three years. It said no commitment should be made unless the judge first considered a pre-sentence report and, secondly, after every effort had been made to train the child in his own home, in a foster home or other shelter. In this bill the requirement that commitment be made only after all efforts are made to train the youngster in his own home, a foster home or group home is missing.

Is it not striking, Mr. Speaker, that in the Juvenile Delinquents Act passed in 1929, section 25 stipulated that a condition precedent to commitment should be that all efforts were first made to reform the child in his own