

Young Offenders Act

think that this should be the purpose of such legislation. But it is certainly no way to help the young people of today to find their road through this time of confusion and change.

I do not want to minimize the fact that these young people have committed acts which are socially unacceptable. We cannot shut our eyes to that. They have to be treated and rehabilitated, not only so that they come out as human beings able to stand on their own feet but come out safe enough that they can be turned loose in society. They have to come out as responsible human beings. I realize that there are no proper institutions in the provinces at the moment but I think the federal government would be doing what it should if it helped in the financing and staffing of such institutions in order to give young people a chance to become rehabilitated and rebuilt into good citizens.

The Canadian Mental Health Association has said:

In other words, legislation of this kind should be designed with the interests of this child as its primary concern rather than the seriousness of the offence.

Such legislation should be flexible. It should have in mind that these youngsters should not be forgotten by this legislation when it gets beyond clause 4 which reads:

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—

These are the ingredients which must go into any program which will help rehabilitate young people. Serious people who have been dealing with young offenders claim that these ingredients are not found in this new bill. In its recommendations, the Canadian Corrections Association stated as follows:

The decision on whether a child goes to an institution and when he is to leave should rest with the child welfare authorities. Whether a particular child requires placement in an institution, and in which institution, is such a technical decision that it should be made by the child welfare authorities, not by the court. When the court thinks a child cannot be dealt with to advantage on probation, he should make him a ward of the provincial director of child welfare, or appropriate official, who will then make the decision whether foster home placement will meet the requirements of the case or whether an institutional placement is necessary. If institutional placement is indicated, the director of child welfare should decide which institution will best fit the particular child.

Also, the decision as to when the child is ready to leave the institution can be made properly only by the child welfare officials who are in constant contact with his progress in the institution. The consent of the court for the child's removal should not be required.

In other words, Mr. Speaker, we are dealing with very flexible, changing and sensitive organisms when we are dealing with young people who have been bent and twisted, in many cases, by their home environment and the ignorance and neglect of the people who happen to be their parents. This happens all too frequently. If we are to use our best knowledge to try and help young people recover from the early twistings and distortions in their lives, we will have to be a great deal more flexible

in our approach and less legalistic than is the case in this legislation.

I should like to reiterate the recommendation made in opening this debate by my colleague from Broadview (Mr. Gilbert), that we should seriously consider giving this legislation a hoist. We should allow the committee to go across the country and talk with people who have had experience in these fields, rather than some lawyers in ivory towers here in Ottawa. Lawyers do not always inhabit ivory towers, but probably too many of them had a hand in drafting this legislation. We have seen that the Canadian Corrections Association, the Canadian Mental Health Association and people like Judge Little in juvenile and family courts across the country are against this legislation because they think it is stiff and punitive.

It is a pity to put ourselves into a legal straitjacket when dealing with flexible human beings in a time of great change. Let us hoist the legislation until such time as we can bring modern thinking and modern penal procedures to the shaping and training of these youngsters.

• (9:30 p.m.)

Mr. F. J. Bigg (Pembina): Mr. Speaker, Bill C-192 purports to improve the penal law affecting young people. I think it is trying to do too much too fast. It is like motherhood—we are all for it. We must be very careful when redefining the criminal law that is to affect young people below legal age, and I use the term “legal age” in anticipation of changes to the bill that will be made either immediately or when the bill goes back to committee.

We are trying to say in this bill that children not of legal age need not accept their full responsibilities in this field: they are not fully responsible in connection with other fields and activities. That does not mean that there is no evil-doing among young people. We make a big mistake if we think that with the stroke of a pen, by changing legalistic terms, we can rid ourselves of evil among human beings who are below legal age. We must be hard headed about this and say when something is wrong. Only by adopting a down to earth approach to these things when they come to our attention can we do something about them.

I trust that we have left the Dark Ages far behind. I hope it will not be necessary for me to speak tonight against the imposition of corporal punishment. I hope that has gone. I do not countenance it, nor do other progressive, well-educated, civilized men.

Mr. Gilbert: That is right.

Mr. Bigg: The first speech I made in this House was on the subject of corporal punishment. I said 13 years ago—and I have had no reason to change my mind—that nobody, but nobody, has the right to inflict corporal punishment on any person unless it is done through love, meaning one's parents. No legally-constituted group or authority, whether composed of psychologists, prison

[Mrs. MacInnis.]