them. I do not think they need treatment. For hundreds of years, when judging these people, the common law approach was to decide whether they knew right from wrong. On that basis, we continued year after year and decade after decade. The common law approach later changed somewhat to the extent that a determination had to be made whether or not a young offender knew the consequences of his action. We proceeded on that basis for a long time. For the past 50 years we have taken the approach that minors who act criminally should be treated differently from adults. This is the purpose of the bill. However, this does not mean that we should forget completely about the fact that a criminal act has been committed against society which laid down a certain code for the conduct of all people so that society can continue.

I do not think that reform means more permissiveness. I think it is time we reviewed the conduct of young people in society and also the whole question of deterrence. Some time ago we debated capital punishment in this House and whether or not capital punishment was a deterrent. We accepted the idea that punishment of any kind was never a deterrent of any consequence. The fact is that we argued in a very narrow field, and what we said in the House was that a person who does not contemplate murder but who commits murder is not deterred by capital punishment. That is true, but society does not yet say that the threat of punishment is not a deterrent. I think it still continues to be a deterrent and that young people who are taught a code of behaviour are aware of the consequences of their actions. This is indeed the role of the Criminal Code. If you want to say that this bill is the criminal code for young people, I cannot see much objection to that.

Mr. Gilbert: Shame.

Mr. Otto: The hon. member for Broadview finds this objectionable, but it does not matter what you call the bill, it is a criminal code and that is a fact. I think hon. members should reconsider their points of view.

Mr. Howard (Skeena): Especially your minister.

Mr. Otto: No, I say hon. members should reconsider their points of view and consider carefully whether, first, this House should get involved with every aspect of a child's upbringing, education and environment. If that is the case, then we must consider a completely new constitution and a new confederation because our laws do not cover all those aspects. I would not be exactly in favour of it. This is not a country like the United Kingdom. Education is not under the jurisdiction of the federal government but of the provinces. Therefore, if hon. members would consider the very narrow field in which we have to work, I think they would find that the bill is a good one. The bill could be better if we had a little more freedom of movement, but we do not have it. We have the right to pass a criminal code, and we are now replacing the Juvenile Delinquents Act with much better legislation which gives the minor more rights, more protection, and indeed gives the minor the protection of the law which he did not have in the Juvenile Delinquents Act.

• (4:30 p.m.)

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I do not pretend to be an expert on the subject of the treatment of children in trouble. It is a subject I suggest which, to fully understand, requires many years of training and experience. The thing that alarms me about this legislation is that as far as I can make out anyone who has had training and experience in this field rejects the philosophy of the bill and rejects many of the details in this Young Offenders Act, Bill C-192. It is for this reason that I propose to vote against the bill, and to support the amendments.

The bill has been described by Judge William Little, who is Chairman of the Ontario Juvenile Court Judges, as frightening. It sets the clock back 60 years. Judge Little says the reason for that is it strips children of the special protection of the existing law which says they are not to be treated as criminals.

The bill has been attacked by the Canadian Mental Health Association. The Canadian Corrections Association has made critical submissions. The John Howard Society of Ontario is deeply disturbed, and a large number of qualified individuals have expressed their fears. It is my submission that it would be irresponsible for this House to proceed with the enactment of the bill without giving people representing these and other similar institutions, with years of experience and concern in the specialized field of dealing with children in trouble, the right to make representations, preferably before second reading when the bill is adopted in principle.

Someone already in this debate, I think it was the hon. member for Calgary North (Mr. Woolliams), referred to an article in the Toronto *Telegram* of December 29 last by Yvonne Crittenden. In it she describes the barrage of criticism directed against the legislation in the following terms, "a half-pint Criminal Code," "inhuman and intolerable," and "a frightening piece of legislation."

The bill is full of legalistic terminology. It appears to be the work of old fashioned lawyers, who may indeed be conscientious and who may be seeking to give protection of the legal criminal rules to children in trouble, but who seem to be unaware of the basic need for flexibility and individual treatment, and the need of getting the case out of the criminal atmosphere of the criminal courts.

Nor is it sufficient to say, as the former solicitor general has said in a letter to members of this House—I think the hon. member for York East (Mr. Otto) was hinting at the same thing—that because the constitutional justification for Parliament legislating in this field is criminal law, the legislation must reflect the fundamental concepts of the criminal law. Such a statement begs the question, "What are the fundamental concepts of the criminal law?" Are they, as this bill implies, punitive, or are they remedial? Even in dealing with adult criminals, the