

right, that of the adolescent not to carry a stigma for the rest of his life. Is there a better solution? I urge newsmen who might have suggestions in this regard to pass them along to and discuss them with the members of the parliamentary committee.

It is obvious that the measures aimed at protecting the young person's rights before the law are not in themselves sufficient to ensure treatment in accordance with his needs. This treatment will depend on the judge's decision. At this point the crucial question arises: Is he to decide on the basis of the offence or in terms of the total situation of the young person and his personality? The present act stipulates that: "Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision." This already shows the concern of the federal government to take account of the conditions under which the child lives. The proposed legislation clearly implies that we must go beyond that basic consideration and it defines the forms of help that the judge should require from parents and probation officers before deciding on the appropriate disposition.

When a summons is issued to a young person or when he is arrested, the parents must be advised of their obligation to appear with him and if they are not present they can be found in contempt of court. Furthermore the clerk must notify a probation officer assigned to the court within a reasonable time so that he may be present in court.

This does not mean that the judge must in all cases have a pre-disposition report, but it does constitute a formal recognition of the importance of the probation officers assistance. In all cases where consideration is given to ordering transfer of a young person over fourteen to a criminal court, a probation order is mandatory. The judge must, prior to making an order for transfer, and I quote from the bill:

cause an investigation to be conducted under his supervision into the background of the young person and the circumstances of the alleged offence, and for the purposes thereof, he may order any social, medical, psychological or psychiatric examination or inquiry that he thinks desirable.

Thus Bill C-192 lays the foundation for applying progressive theories according to which, once the gravity of the offence has been established and evaluated, treatment should not only relate to the seriousness of the offence, but also and above all to the personality and environment of the young person before the court.

The terms of the disposition provided in the bill aim at forging closer links between criminal justice properly so called and social laws protecting children and young people, as formulated and administered by the provinces. This collaboration is indispensable, as it forms the basis for a concerted action regarding the restructuring of intake, education and treatment services.

In this connection, it should be noted that in carrying out the educational or punitive treatment imposed, the same concern for the protection of the young person's rights in establishing certain procedures relating to the hearing of the case, is shown.

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The judge after considering the pre-disposition report, determines the maximum time during which a young person may be removed from his home. However, it is open to the provincial authorities to release him earlier, should they think it advisable. On the other hand if he has not become rehabilitated within the time fixed by the judge, the young person should be detained under provincial law as a social welfare measure.

This legislation looks to the needs of the young persons while not losing sight of their right to just treatment. Nevertheless the proposals will be carefully considered in committee and amendments may be made, since this is its duty.

Furthermore, it is obvious that the effects of the proposed new legislation can only be judged after it has been in force for some time, and even then, not only in a general way, but also in terms of each province; the effects will vary from province to province because their social and legal services may be at differing stages of development.

In other words, although the aim of Bill C-192 is to offer a young person better protection of his legal rights, it is probable that such protection can be fully assured only insofar as provincial structures are standardized at the same time. This observation also applies to all the reforms relating to concurrent penal and social authorities.

The provinces must be concerned with this problem and I would like to offer them assistance and encouragement to define their thoughts on the role of their probation offices or foster and treatment institutions, from the welfare or legal point of view. If such dialogue is established progress will be made towards uniformity in distribution and application of funds. This is our hope.

Now, one of the objectives of Bill C-192 is to ensure that all young offenders receive like treatment; to attain this goal, reforms other than just legislative or federal ones must be made.

The philosophy underlying Bill C-192 is that the imposition of penalties for their deterrent effect alone may not work nor should penalties be imposed for pre-delinquent or quasi-delinquent behaviour. By the proposed legislation we are therefore undertaking to cease stigmatizing deviant, but non-criminal behaviour in young persons and to recognize only offences for which penalties are imposed when committed by adults.

It is all the more unrealistic, then, to consider that criminal law should or could control the wave of pre-delinquent or quasi-delinquent behaviour.

In short, and it is on this general observation I wish to conclude, Bill C-192 is only a legal framework for the treatment of a proportion of young persons in need of protection and supervision, but this framework must be complemented by the formulation of social measures for which responsibility lies with the provinces.

• (3:40 p.m.)

[English]

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, since these are my first words spoken in the chamber in