Section 3 (2) of the act refers to how a child should be dealt with. It states:

> 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.

Section 20 deals with the treatment of a child. It states that if the youngster is adjudged to be a juvenile delinquent, the case should be disposed of in one of many ways. First, he should be given a suspended sentence. Second, the hearing should be adjourned or there should be a disposition of the case from time to time for any definite or indefinite period. Third, a fine should be imposed not exceeding $25, which may be paid in periodical amounts or otherwise. Fourth, the child should be committed to the care or custody of a probation officer or of any other suitable person. Fifth, the child should be allowed to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required. Sixth, the child should be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court. Seventh, such further or other conditions should be imposed upon the delinquent as may be deemed advisable. Eighth, the child should be committed to the charge of any Children's Aid Society and, ninth, the child should be committed to an industrial school.

It is rather striking that the final disposition is with regard to an industrial school and that it is listed last. In section 20(5) with regard to the treatment and disposition of juvenile delinquents it is stated that the child's own good is paramount. It provides:

> The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

We have had that act since 1929, and it had its shortcomings. One of the shortcomings was that it was possible to prosecute a youngster seven years of age and in some cases to commit him to a training school. Probably the definition of delinquency was too wide because it included breaches of municipal, provincial or federal statutes. Some of the sentences were punitive. Also, there appeared to be a lack of community resources to implement the treatment of anti-social youngsters.

The greatest deficiency was probably with regard to Indian and Eskimo children and children living in rural areas. The final shortcoming was that it tended to stigmatize a juvenile delinquent as a junior criminal. They tagged him and then awaited his elevation to an adult criminal. It is very striking that many studies show that there is a close relationship between a youngster who has been adjudged a juvenile delinquent and later becomes an adult criminal. That is the first stage with regard to this particular problem.

In 1961, as a result of some of the shortcomings of the Juvenile Delinquents Act, the Justice Committee on Juvenile Delinquency was appointed. It had five members representing four divisions of the Department of Justice. I should like to set them forth: the first was the criminal law section, second the RCMP, third the penitentiaries branch and, forth, the parole division. They commenced hearings in 1961 and tabled their report in February of 1966.

• (4:00 p.m.)

The way in which the committee prefaced its remarks is striking when we see they say that the inquiry took much longer to conclude than was anticipated at the beginning, since none of the committee members had worked in the juvenile field. They say they were not entirely aware of the complexity of the problem. There were no juvenile court judges, no psychiatrists, no psychologists, no sociologists, no probation officers, no representatives from training schools, no social workers and no representatives from the Children's Aid Society or from foster homes. It was really a select committee of the Department of Justice representing four areas in respect of treatment.

Regardless of that, the committee set forth 100 recommendations many of which are excellent and were well received by various institutions across the country. First of all, they drew up a draft bill entitled the Children and Young Persons Act. Second, and this is important, they included a clause which set forth the philosophy that should be embraced in this bill. I will read the philosophy set forth in the draft bill. It is as follows:

> Where a child or young person has been adjudged a violator, a child offender, or a young offender, as the case may be, he shall be dealt with not in a punitive manner, but as a child or young person requiring help and guidance and proper supervision.

The next clause states:

> This act shall be liberally construed to the end that its purpose may be carried out, namely, that the care and custody and discipline of a child or young person adjudged to be a violator, a child offender or a young offender shall approximate as nearly as may be that which should be given by its parents, and that, as far as practicable, every such child or young person shall be treated not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

It is obvious that the clauses in the draft bill were an adaptation of the particular sections in the Juvenile Delinquents Act as set forth in sections 38 and 3(2). In the notes included in the draft bill we find these words:

> We agree with the philosophy expressed in section 38 of the act. The difficulty has not been in the basic philosophy of the act but in the failure of society to give to the juvenile court adequate resources with which to fulfil the aims of that philosophy.

Mr. Speaker, it is very important to keep that in mind as we study this bill. The draft bill incorporates many of the recommendations, in fact most of the recommendations, and even though it was in legalistic language it met with the approval of many people, at least in respect of the recommendations made. The next step was the federal-provincial conference of officials of the Department of the Solicitor General as well as representatives of the departments of the provincial Attorneys General and of correction departments. This was held in December 1967. Differences must have arisen. The Solicitor