

*Young Offenders Act*

minister who had been in office for a longer period, the debate would probably be going on a lot longer. But we desire to accommodate him and there is at least some indication that he will approach this subject with a flexible mind, perhaps because he inherited somebody else's problems and is not particularly wedded to the approach taken by that other person. Time will have to tell. I do not ask the minister to comment on this; we are giving a young minister the benefit of the doubt and we know that at least he will be co-operative.

The last message I, personally, received on this subject was from the United Community Services of the Greater Vancouver area. Speaking through their president, the Reverend R. A. Burrows, they sent to the Solicitor General and to the Chairman of the standing committee a request that the United Community Services, which shares the concern of many organizations that the young offenders act requires careful study and reconsideration, will have the opportunity to present its views to the committee, along with other groups.

Now, to proceed to some of the others. The first is from Professor B. F. Frost, head of the division of clinical diagnosis and special education, faculty of education at the University of Calgary. If I may quote from his submission in two particulars only, both of which are found on page 2, he says:

• (5:00 p.m.)

The act has been developed in a vacuum because the system of articulated rehabilitation agencies, necessary for the act to function, does not exist—

In respect of rehabilitation, there is no evidence in the act nor in the very day functioning of the provincial authorities that anything has been learned from the experience of the U.K., Holland and Sweden who are the acknowledged leaders in the field of the rehabilitation of juvenile delinquents. Study of the relevant laws of these countries as well as their institutions is mandatory if a reasonable system is to be established here.

So, right off the bat, we have two criticisms, criticisms that are repeated by other sources as well, one as to the quality of the law we are being asked to consider and the other as to the quality of the institutions in Canada that are available to help young people caught in the coils of the law.

Then, Professor H. R. S. Ryan of the faculty of law of Queen's University has this to say:

It is respectfully submitted that Canada should not return to a system of juvenile criminality which proved unsatisfactory in the past here and which the British have now abandoned. Instead, juvenile misconduct should be regarded as creating welfare and educational problems and dealt with on that basis.

That brings up a point that is echoed and re-echoed in the material we have received, namely that you must consider the child as a total person, against his family background and the background of society, and not treat him, as it were, in a vacuum.

Then, we have this paragraph from Mr. R. Couchman, chairman of the Troubled Child Committee of the Ontario Educational Association, who wrote the minister and sent copies of his letter to the rest of us:

—I would certainly hope that child welfare legislation and legislation affecting the delinquent child would complement the

[Mr. McCleave.]

positive approach being developed by Canadian educators. Unfortunately the proposed legislation shows little regard for the therapeutic requirements that must be built into such modern legal legislation.

So there is the view of a person in the educational field who sees the child in the total picture, and more particularly in the educational picture.

Then, we have Professor Ronald R. Price, of the faculty of law of Queen's University, who in his letter to us makes the criticism that the government of Canada was careful to consult with provincial governments as such, but that many of the provincial governments took a very narrow approach to consultation in preparing their own position and submissions. He says that many interested groups in a number of the provinces were not consulted at all by their own provincial government, and are very anxious to have an opportunity to make their views known.

I am about half way through the quotations I have decided to put on the record so that the minister and his officials can look at them over the Easter season and get some indication of the matters that bother some members of the committee.

Again, I have the views of Professor Frost, who makes this point:

Serious crimes against the person (e.g. murder, manslaughter, rape, etc.) committed by a young person of 16 years or older should be dealt with separately from other "offences". In this case, and in this case only, should the case be tried in adult court with the possibility that the adult court might refer the case to a juvenile and family court.

In all other cases the maximum age limit should be 18 years for both sexes.

Many of the submissions we received dealt with this very thorny problem of age, but I do not think at this stage of our proceedings, without having heard expert evidence in committee, it would be very helpful to scout that argument over and over again. But at least the paragraph I have just read into the record is one point that the members of the committee will want to follow up and be reassured about by the evidence; otherwise, we will want to make some changes in the provision regarding age.

A very significant contribution came to us from an assistant professor, John A. MacDonald, who I must say has a very good name. He is from the School of Social Work at the University of British Columbia and must have had a fair amount of legal training because his brief is peppered with legal references, though the gist of it really deals with the area of social welfare. At page 10 of his very thoughtful contribution he makes this point:

The bill contains punitive provisions which would have the effect of stigmatizing juvenile offenders and undermining the traditional separation of juvenile from adult offenders. These provisions are for the most part not supported by the Justice Committee report and a number appear to have been inserted in response to pressure from provincial authorities.

This gentleman can bet his bottom dollar that we will be getting answers to that particular point to his satisfaction. He went on to quote at page 11 of his brief from the