there is a curious omission in the bill in that it has nothing whatsoever to do with bail. Presumably this is an oversight that will be rectified at committee stage. One point made in the Canadian Bar Association brief was that there should be a ban on juvenile proceedings' evidence to be used should there be other proceedings involved. The brief makes that point very clearly. There should also be a formula for periodic review of sentences and for periodic review regarding people in respect of whom an insanity finding is made.

I think that this is a very serious gap, if I may put it this way, in the senior law, the Criminal Code, under the provisions of which people are held at the pleasure of the Lieutenant Governor. I must say that at one stage I was in a position to see the operation of this curious provision for a couple of years but did not understand it any more at the end than at the beginning. This may disclose a serious gap in my mental capability. I accept that, but I defy anybody to give me a succinct version of the provisions concerning insane people and the pleasure of the Lieutenant Governor, and so on. Surely this matter could be tidied up in a new bill concerning children.

• (9:10 p.m.)

I know one should not use anecdotes in speeches in the House of Commons, but I once acted for an 11-year old boy who was in a county jail in New Brunswick. He was found there, after four or five days, by a visiting clergyman. Some aspects of this case are not relevant to the debate, but we discovered that the child's family had moved 15 times in his 11 years. It should go without saying that no statute dealing with children and offences committed by children can be a good one if it isolates a child from his parents, if he has them, from his environment and from all aspects of his life literally from birth. This aspect of the bill will interest me greatly as this debate develops and the matter comes before committee.

Another aspect that will interest me is the provision made by the government to ensure that people charged with the responsibility of adjudicating on cases dealt with under the Young Offenders Act will have adequate staff. I am thinking of the whole ambit of people available—experts in the fields of psychiatry, psychology, social work, and so on. If we mean business, if we are not just drafters of a piece of paper, the act has to be given flesh and blood through support staff of the juvenile courts. Unless the government of Canada has made provision for this and the ministers of justice of the provinces have thought it through, I do not think we have done a thorough job.

I should like to make a few comments about the present Juvenile Delinquents Act and its major shortcomings, and make some recommendations. The Juvenile Delinquents Act originated in 1929 and, if my memory is correct, the first act came into force in the early part of this century. It removed children from the jurisdiction of the criminal courts and the adult criminal law and placed them within the jurisdiction of specialized juvenile courts. It made provision for the private trial of juveniles, free of publicity and separate from adult trials. It provided a wide range of reformative sentencing and dispositions focused on the welfare of the individual offender.

Section 38 of the act provides:

> 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 juvenile delinquent shall approximate as nearly as may be that which should be given by its parents—

We have come a long way in the science of dealing with young people since 1929 and a good deal more information is available. The minister's major concern and the thread which should be running through this act and this debate is that the act should be based upon rehabilitation. If it is not, it will be a hollow debate and a very useless amendment to the law. Professor MacDonald reminds us of some of the shortcomings in the Juvenile Delinquents Act. It was still possible to prosecute children as young as seven years. People were concerned about the all-encompassing definition of "delinquency." One could be caught in that wide web if one were guilty of the most minor offence under a municipal bylaw. Closely related to this point was concern that the Juvenile Delinquents Act placed only minimal restriction on committal of children to training schools, thus opening the door to punitive sentencing practices.

I once appeared before a magistrate on behalf of a young person who had stolen a jacknife from the five and ten store. The youngster had been in jail for the night and finally his parents called for help. When I saw the magistrate he said, "I am not going to let the boy out because he has not cried yet." I asked him what section that came under, and of course he had no answer. This is only one of many examples of what has more eloquently been called "opening the door to punitive sentencing practices."

I have noted that many juvenile courts lack community resources. I have made this point earlier. Unless the resources of the community are part of the whole thrust, we are really not doing anything very useful. Another concern is that the original intention of the Juvenile Delinquents Act was to avoid stigmatizing young people as criminals. But the word "delinquency" in itself became a stigma. I am sure the minister recognizes these and other problems relating to the present act.

Mr. Speaker, I could make other comments but presumably there are other speakers. What I have said this evening has been of a very general nature, but I should like to repeat two or three points. First, I hope we can have an assurance from the minister that he will accept amendments and be receptive to them no matter from which party they should come. Second, I hope it is the minister's intention to provide sufficient qualified people. Third, I think it should be possible to fix a set age, perhaps 18 as has been adopted by many of the provinces.

One point which I am sure has been noted by many lawyers on the government side of the House is the provision for delay of sentence until the person charged is 21 years of age. Presumably if the act were changed an accused would be sentenced at 18. I cannot imagine where that concept came from. I hope we shall have an