

Division

NAYS

Messrs:

Allmand	Langlois
Anderson	Leblanc (Laurier)
Badanai	LeBlanc (Rimouski)
Barrett	Lefebvre
Basford	Lessard (LaSalle)
Bécharé	Lessard
Beer	(Lac-Saint-Jean)
Blair	Lind
Blouin	MacEachen
Boulanger	MacGuigan
Breau	Mackasey
Brown	McIlraith
Buchanan	McNulty
Caccia	Mahoney
Cafik	Marceau
Chappell	Marchand
Chrétien	(Kamloops-Cariboo)
Clermont	Morison
Cobbe	Munro
Comtois	Noël
Corbin	O'Connell
Côté (Richelieu)	Olson
Côté (Longueuil)	Orange
Crossman	Osler
Cullen	Ouellet
Cyr	Penner
Danson	Pepin
Davis	Perrault
Deachman	Portelance
Drury	Pringle
Dubé	Prud'homme
Dupras	Reid
Duquet	Richard
Énard	Richardson
Éthier	Robinson
Faulkner	Rochon
Forest	Rock
Forget	Roy (Timmins)
Francis	Serré
Gendron	Sharp
Gervais	Smerchanski
Gibson	Smith (Saint-Jean)
Gillespie	Stafford
Givens	Stanbury
Goyer	Stewart
Gray	(Okanagan-Kootenay)
Greene	St. Pierre
Guay (St. Boniface)	Sulatycky
Gulbault	Sullivan
Haidasz	Thomas
Harries	(Maisonneuve-
Hellyer	Rosemont)
Howard	Tolmie
(Okanagan Boundary)	Trudeau
Hymmen	Trudel
Jamieson	Turner (London East)
Kierans	Turner (Ottawa-Carleton)
Lachance	Watson
Lafamme	Weatherhead
Laing	Whelan
(Vancouver South)	Yanakis—116.
Lang (Saskatoon-	
Humboldt)	

● (3:40 p.m.)

Mr. Speaker: I declare the amendment lost.

● (3:50 p.m.)

Mr. John Gilbert (Broadview): Mr. Speaker, on November 16, 1970, Bill C-192 was introduced for the first time, and now after waiting for five months the hon.

[Mr. Speaker.]

member for Sarnia-Lambton (Mr. Cullen) has finally found an organization supporting this bill, namely, the Canadian Bar Association. Five months is a long time to wait, and the Canadian Bar Association is the only body, as far as I know, which has approved this bill. They approved the bill in general and its philosophy in particular. Then they indicated to the Solicitor General (Mr. Goyer) that it is the responsibility of the federal government to build training schools.

They made 14 recommendations with regard to changes to the bill. Among those 14 suggestions they referred to the title, uniformity of age, the right to legal counsel, bail, no obligation to admit the substance of the offence by the accused, review of a finding of insanity by the judge, from time to time, and recommended that fingerprinting be deleted. Those are only seven of the 14 recommendations that they made. Even though they supported the bill, they underlined the reasons why organizations across the country and many persons in various professional fields have opposed the legislation.

You will recall, Mr. Speaker, that when I spoke on the amendment to this measure I said that the bill in substance was punitive and retrogressive and that it was not in tune with the concept of a just society or the principles of the modern treatment of young people with anti-social behaviour problems. This afternoon I should like to take a historical and comparative approach to the problem of the young people in Canada. It sets itself into four stages. First, we have the Juvenile Delinquents Act of 1929. We have the report of the Department of Justice Committee on Juvenile Delinquency of 1961, which reported in 1966. We have the third stage, the federal-provincial conference in September of 1967 where officials of the Department of the Solicitor General and of different departments, both in the federal and provincial field, met. Then we have the fourth and final stage, the Young Offenders Act which was introduced in November of 1970.

First, I should like to deal with the Juvenile Delinquents Act as it first came into force in 1929. It sets forth a philosophy according to which an attempt is made to protect juvenile offenders from the stigma and the punitive approach of the criminal law and to provide them with mature understanding, guidance, discipline and support. The legislation directs itself in three basic ways. It attempts to remove young people from the jurisdiction of the adult courts and place them under the jurisdiction of specialized juvenile courts. Second, it establishes that trials of juveniles should be held free of publicity and in a manner which is informal yet consistent with the proper administration of justice. Third, it provides for reformative sentencing and is focused primarily on the welfare of the individual offender. Section 38 of the Juvenile Delinquents Act sets forth the philosophy clearly and boldly by stating as follows:

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, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.