

young men there had a special problem. It might be alcohol, which in itself indicates a problem, or they could not hold a job, they could not get along with their families or friends, or they were separated from their wives. In effect, all these people had emotional problems. These are the kind of people who get into trouble, and these are the kind of young people with whom the act will be dealing.

I have a magistrate friend who has dealt with a great many young people, among others. He described to me some of the cases with which he has dealt. It would wring your heart if you heard about some of the problems these people have and the homes from which some of them come. The law is the only answer to their problem. I do not think that sometimes the law is good enough. These people require understanding and compassion. If we were to interpret this bill in a strictly legalistic sense, in another age the Solicitor General (Mr. Goyer) would be galloping on his horse through the pages of history, chasing a couple of teenagers, waving his broad axe and shouting "Off with their heads". I do not think the Solicitor General wants to use that type of approach to a problem like this. It seems to me that he is a man of compassion and understanding. If he is going to deal with problems of teenagers, he must be a man of understanding. My hope is that he will withdraw this bill or accept amendments that will give it greater compassion.

● (9:00 p.m.)

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, I think it is good that this bill has been subjected to what I might call searing criticism and that the minister has seen fit to delay its consideration slightly, obviously as a result of acceptance of the validity of some of the comments that have been made. We have been interested recipients of comments about the bill by the Canadian Bar Association, the Canadian Mental Health Association, faculties of law, faculties of medicine and interested citizens. I have had an opportunity to look at the Canadian Bar Association brief and to examine a very thoughtful paper which I will share with the minister—perhaps he has already seen it—written by Professor John A. MacDonald of the faculty of law, University of British Columbia.

I wish to make a couple of points in this debate but first I would like to be assured that in committee the bill will receive flexibility of treatment by the government members of the committee, and that the minister and his department will be more receptive to amendments than other ministers have been with respect to other bills. If Parliament had the assurance that the minister genuinely believes there could be a useful amount of input, as the current cliché has it, from members of Parliament at committee stage, I think second reading stage of the bill would move at a faster pace.

There are fundamental problems related to the bill, to its concept, to its drafting and to its language. I think the House would expect that type of assurance from the Solicitor General (Mr. Goyer), and I hope I read his mind aright. He has indicated some flexibility by holding up

Young Offenders Act

the bill so that interested groups in Canada could comment upon it. But the committee stage is coming, and having been here for some years I am not too optimistic about the receptiveness of the minister and government members of the committee. I hope to be proved wrong and if so I will gladly stand in my place on third reading and say I was wrong.

At the second reading stage of bills all sorts of pleasant statements are made to the effect, "Oh, let the bill get to committee and everything will be all right." My experience is that everything is all wrong when bills go to committee. Government supporters seem to think that government legislation is literally drafted on stone and that it would be a defeat of some sort if a nuance or meaning were changed in any way. I plead with the minister to be flexible with respect to this important piece of legislation and to be ready to accept amendments.

The Canadian Bar Association, Mr. Speaker, has approved the bill in principle. I do not know whether I will be shot down for saying this, but that makes me very nervous. I have been a member of that association for 22 years, all my practising life, and I believe that this of all bills should not be hamstrung by legalistic drafting. Under the provisions of the 1929 bill which, if I am correct, was based on earlier legislation of 1908, juvenile court judges and others dealing with young offenders were enjoined to interpret the bill in a very liberal way. That was a very prominent section of the act, and I think that by and large over the years juvenile court judges, despite all the restrictions they were under—mainly restrictions of money and of support staff for their courts—did their best in the light of their time and day to interpret the statute liberally.

Unfortunately, in many instances and places in Canada there were very few resources and people upon whom juvenile court judges could call. I regret to say that this was the case in my own province when I was Attorney General of New Brunswick. I had to fight the municipal people in the constituency I represented because they did not want to establish a juvenile court district under the terms of the old legislation. But I may say that once they were persuaded, a marked improvement took place in the handling of offences in which young people were involved.

I apologize, Mr. Speaker, for the rambling way in which I am discussing some of the issues. I hope the minister will meet a problem that can become a serious one unless, so to speak, we get a national majority. I would think that 18 years would be an excellent age for the upper limit under the terms of the bill, because many of our provinces are reducing the civil age of majority to 18. There would be a nice meshing and melding, if that term is right, if we adopted that age in this instance, particularly when on one hand we are talking about the civil obligations of a citizen. I can foresee serious difficulties if one province fixes the age at 17 years and another at 18 years. I hope we can overcome that difficulty.

I regret, Mr. Speaker, that I was attending a committee hearing and did not hear the minister or any government spokesman refer to one important matter. It seems to me