comes before the court at the correct time and explains the reasons for the arrest.

I never had any difficulty in this regard; I never arrested a member of the public without having reasonable grounds for doing so. Only too often the grounds are there. A well-meaning policeman, properly trained in the law, should have no difficulty whatsoever in establishing that he was acting in the best public interest, for the people and not against them. I do not think the onus which is put upon the accused or the person who thinks he has been subject to unlawful arrest is very great. Under section 436(3)(b) it appears that the onus is on the accused to establish a case against the policeman. But I think it is right that all he would have to do is allege that the policeman had in fact arrested him falsely, and I am sure that any justice worthy of the name would have the police officer come forward and explain why he thought it was in the best interests of the public to arrest the person.

I was also a little worried that this might be a technical act which would prevent the policeman doing his job while on extended duties, perhaps in the Arctic or in outlying districts where a justice of the peace was not available. However, I see that the onus is not necessarily on the policeman to bring the accused before a justice of the peace in the usual 24-hour period: the usual common sense of the Canadian public will prevail and he can bring the accused before the court within reasonable time. Here again, I do not think it would be difficult for the policeman to show the justice of the peace that it was necessary to bring the accused by dog-team from the Arctic Islands to the officer in charge in Aklavik, Coronation, or some such place where there was an effective or efficient justice of the peace.

So by and large I am pleased to see this long-awaited improvement to the Criminal Code in these two aspects. I have had considerable correspondence on this matter, perhaps because I have been a police officer. I will conclude after making one more request of the Minister of Justice, and that is that I think we are pitifully short of justices of the peace. I think that, particularly in cities, we should have justices of the peace on duty 24 hours a day so that in middle of the night persons arrested, particularly those from out of town, can come before a justice of the peace almost immediately.

With radio-equipped cars and the facilities we now have it should be a simple matter for a policeman to bring an accused before a justice of the peace and put the case before him briefly as to whether or not it is necessary to hold the man in custody. I think that particularly in our cities we should have justices of the peace on call so that these cases could be disposed of and so the onus of keeping the man in custody would not be upon the police. This would help to maintain the excellent relationship we have learned to expect between the police and the public. If the onus of keeping the accused in custody were taken off the police officer on the beat, he would then merely be a fact-finding man. In many cases the policeman is expected to use judicial discretion because the public thinks he is a fact-finder, judge, jury and court of appeal all in one.

[Mr. Bigg.]

Mr. Deputy Speaker: Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Agreed.

Motion agreed to and bill read the third time and passed.

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YOUNG OFFENDERS ACT

PROVISIONS REGARDING CHILDREN AND YOUNG PERSONS

The House resumed, from Thursday, January 14, consideration of the motion of Mr. Goyer that Bill C-192, respecting young offenders and to repeal the Juvenile Delinquents Act, be read the second time and referred to the Standing Committee on Justice and Legal Affairs; and the amendment of Mr. Woolliams (page 2381).

Mrs. Grace MacInnis (Vancouver-Kingsway): Mr. Speaker, a great many people across Canada are deeply concerned about this bill, the Young Offenders Act as it is called. Perhaps nothing could more effectively emphasize their concern or the need for modern legislation to deal with children and young people who have committed offences against society than the tragic case raised in this House last Friday by my colleague, the hon. member for Skeena (Mr. Howard). It was the case of a 14-year old boy sentenced to six years in penitentiary for the fatal beating last August of a 14-year old girl near Hope in the Fraser Valley. The boy was high on LSD at the time. It was all a terrible matter—but how was it handled? The judge, sending the boy off for six years to the penitentiary, said he hoped the boy would be sent to a minimum security institution. In other words, it was a case of out of sight, out of mind. What happens to that boy now? My colleague said he thought it was shocking that the boy should be sent to an institution which was nothing less than a school for crime.

• (9:10 p.m.)

The people of the country ask what will happen to this boy when he graduates from that school for crime? We have had a number of cases in my province—and I know there have been similar cases in other provinces—where young people, having been released from such institutions have committed even more dreadful crimes. This was because they had not been given the proper treatment or handled in a way that would guarantee their safe return to society. The case I have cited is an illustration of the failure of our method of dealing with young persons who have committed offences. It also points to the concern which people now have when they are faced with this new legislation.

Clause 4 of the bill reads:

This act shall be liberally construed to the end that where a young person is found under section 29 to have committed an offence, he will be dealt with as a misdirected and misguided young person requiring help, guidance, encouragement, treatment and supervision and to the end that the care, custody and