

*Criminal Code*

Since my attack in the House on this situation, and since I read this statement by Bill Trent in the House, quoting from his interview with Allan MacLeod, children have been, to some extent, removed from penitentiaries. They still can be convicted, and if a province does not supply rehabilitation centres, or alternate institutions, this legal right to put children in penitentiaries still exists.

I plead with the minister and with the House to remove the window dressing from reform and get on with the job; stop image building—images will be built if you reform, but it will take a lot of public relations firms to cover up for the sins of this generation when history is written. When the image builders are dead, the historians will pick the bones of the raw cold carcasses of this civilization and the truth will be revealed.

We naturally get enraged and become emotionally disturbed when we see children in the penitentiaries. If there are places of incarceration for convicted children, maybe the wrong people are in prison. Maybe it should be some of the parents who have deserted their children or the lawmakers. I doubt whether Henri's case will ever be duplicated, and God help us if it is. Dickens said "The law is a ass". Let us ride that donkey out of this Parliamentary pasture.

In October of 1959, a 14 year old young male, Stephen Truscott, was tried in an adult court and convicted. Do you know what the sentence was? It was that he was to be hanged by the neck until he was dead. This case was later on reviewed by the Supreme Court of Canada. A lot of water has gone under the bridge since then, but if this amendment of mine had been law they could not have tried him in an adult court.

Offences for infants should be linked together; offences for juvenile offenders should be studied by a carefully organized court made up of legal men, psychiatrists and, therefore, a solution should be forthcoming. They should not be tried by judges but rather by psychiatrists and psychologists who understand child psychology. I do not think a man who practices law and draws up mortgages necessarily understands the psychology of children.

I have said a great deal recently about young people, and the criticism from some people against my stand has been very severe, so severe that I wonder sometimes whether society has caught up with itself, or if we have to wait another generation for true understanding.

[Mr. Woolliams.]

It has been a great pleasure to present this bill. Mr. Speaker, I hope it will go to the committee for study. I will await for the committee report and its recommendations. Let us get our children out of jail and do away with these archaic laws which give this nation the right to place these children in these institutions.

**Mr. D. R. Tolmie (Welland):** Mr. Speaker, I should like to congratulate the hon. member for presenting this bill at this particular time. Although this bill would amend the Criminal Code in respect of the age limit for criminal responsibility in relation to the young offender, which amendment I believe to be most appropriate, the mere fact that this bill is proposed brings up the whole question of juvenile delinquency and the essential need for prompt and radical reform. I should like to deal briefly with the actual amendments proposed to this bill, and then touch upon the allied subject of reform to our laws dealing with juvenile delinquency.

The hon. member would eliminate Section 12 of the Criminal Code and put in a new section which, in essence, would provide that no person under 12 years of age shall be convicted. The former section stated that no person under 7 years of age could be convicted. In my opinion this law, in force for many years, should definitely be changed. For most of us it is hard to accept the fact that a child from 7 to 12 could be tried and convicted. This reform is long overdue and the amendment to Section 12 or one similar should be passed as soon as possible.

The next amendment relates to Section 13 of the Criminal Code which now reads:

No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more, but under the age of 14 years, unless he was competent to know the nature and consequence of his conduct and to appreciate that it was wrong.

This proposed amendment would retain this rule but increase the age from seven to 14, to 12 to 16. I agree this is a step in the right direction, but I feel this House should seriously consider eliminating this section altogether, as advocated in the report of the Department of Justice on juvenile delinquency.

As I understand the present section there is a rebuttal presumption that a child between seven and 14 was incapable of committing a crime. To establish criminal responsibility the prosecution was required to show that the child had sufficient moral discretion and understanding to appreciate the wrongfulness