

*Young Offenders Act*

tic and give young people a chance to build this country as our forefathers did.

But if we keep on rejecting young people as we do now in the economic, social and political fields, if we keep on deluding them by saying: Get educated and you will find a position, and that in the end they discover they have nothing, it will be a tragic tomorrow and I say it is this government that will have to bear full responsibility for such a situation.

Mr. Speaker, in concluding I urge the minister to reexamine his position, to forget he is a liberal member and to try to forget that we are in the opposition. I hope in his new function of Solicitor General he will serve all Canadians and not the interest of the Liberal party and will realize that this bill should serve the interest of the young people. I am sure, Mr. Speaker, that if he can get across the narrow political barrier, young people will be happy.

[English]

**Mr. Steven Otto (York East):** Mr. Speaker, I want to congratulate the minister. He is a young man who is well trained in the law. Unlike previous speakers, including the hon. member for Calgary North (Mr. Woolliams), the hon. member for Lotbinière (Mr. Fortin) and the hon. member for Broadview (Mr. Gilbert), I do not believe the minister is not sincerely behind this bill or that it is something he inherited and, therefore, as a good civil servant or a minister he has to go along with it. I have known the hon. gentleman for ten years and he is not that kind of man. I think he is telling us the situation as it is. This is not a perfect bill but it is as good a bill as we could have at this time, and it is a lot better than the Juvenile Delinquents Act now in existence.

After listening to the speakers who preceded me one might think we were discussing a bill in respect of the conduct of young gentlemen and ladies in our social environment, or a bill which might be entitled, how to educate and accustom people to live in our society. What we are dealing with here, and I am looking at the title again, is an act respecting young offenders. In other words, this relates to a part of the Criminal Code.

**Mr. Woolliams:** Like the young man who loses his driver's licence.

**Mr. Otto:** Perhaps the hon. member for Calgary North will just listen and hear me out. We have a very small and confined sphere in which we, as Parliament, can act. I am sure we could have a bill that extended to all the corners in respect of treatment, care and mental health of young people. I am sure the hon. member for Lotbinière would not support this government if it were to usurp the jurisdictions of others. What we are saying here is that we have the jurisdiction to draft a criminal code. We are also saying that young people should not be subjected to the severity of the Criminal Code. We are saying the Juvenile Delinquents Act is not doing the job, after so many years, in respect of young people because

[Mr. Fortin.]

of the caprice of juvenile court judges. Time and time again, this has been pointed out. So, we have a revision of the law. We hope it is better and I believe it will be proven to be better.

• (4:10 p.m.)

The objections seem to have centred around three points. The one in respect of the name I believe I can dispose of very quickly. In fact, I believe the briefs I have read complained about this bill being called an act respecting young offenders. It does not matter very much what it is called. Should we call it the Juvenile Delinquents Act? The connotation now is bad. We call this legislation the Young Offenders Act. This is the effect of it since we are dealing with young people who have committed an offence against official mores. Therefore, I do not believe the argument really has much bearing. We are not dealing with the behaviour or the social environment of children. We are not dealing with parental responsibilities in respect of children. Neither are we attempting to control their environment. We are dealing with a very narrow sphere.

I should like to deal with the objections in respect of a clause in the bill which would give very broad powers to a judge. Dealing with clause 30, I believe the hon. member for Calgary North outlined the awesome tribulations which would confront young people and the great power the courts would wield. One would think there could be absolutely no area in which these judges could be circumscribed. The hon. member referred to subclause (1) (k) of clause 30. I should like to paraphrase clause 30 since I believe it should be placed on the record. It is a broad clause. It provides that the judge shall consider the predisposition report, if any, made under section 35 and any other relevant and material information, and may then make any one of a number of dispositions. We are not giving the judge the absolute authority he has had in some cases under the Juvenile Delinquents Act. We circumscribe his power within these broad clauses. Subclause (1) (a) reads:

where he is of the opinion that the appearance of the young person before the court is all that is necessary to render it unlikely that the young person will commit further offences, he may discharge the young person absolutely;

In other words, if in the judge's opinion there is no chance of repetition of the criminal activity he can discharge the person immediately. There is nothing wrong with that. Another discretion on the part of the judge is that he may adjourn the hearing for a period not exceeding two months if the young person and, in the discretion of the judge, a parent of the young person, agree to follow a course of action directed by the judge. Then, there are several subclauses. The judge may decide to proceed under a provincial act. He may impose a fine. He may order the person to pay a certain amount of money by way of compensation. This power is very narrow and he can do this only under certain terms and in respect of a certain amount. He may place the young person on probation. He may direct him to go to a foster home or to a group home. This, again, is restricted to a period of two