

establishment of juvenile courts since 1944. Juvenile courts in Newfoundland could not try a child charged with murder or manslaughter.

The ages of children within the jurisdiction of the juvenile courts have varied across the provinces. The Juvenile Delinquents Act defined a child as, any boy or girl apparently or actually under 16 years or such other age as might be directed in any province. In Quebec and Manitoba, the age limit was under 18 years, while in British Columbia it was under 17 years. Under the Welfare of Children Act in Newfoundland, the maximum age was under 17 years. In all the other provinces and territories the upper age limit was under 16 years.

In Quebec the Youth Protection Act, in force since 1979, has required that all juveniles accused of committing offences be referred to the director of youth protection. Juveniles under 14 years are not usually charged.

Tables 20.7-20.9 cover the years 1977 to 1982, based on data collected about persons charged under the Juvenile Delinquents Act. The first two are based on the number of charges adjudicated, the third shows the number of individuals involved in juvenile court proceedings.

Young Offenders Act. In July 1982, the House of Commons passed the Young Offenders Act (SC 1980-81-82, c.110) which was proclaimed in April 1984 and which repealed the Juvenile Delinquents Act. The broadly defined offence of delinquency has been abolished. Only young persons charged with offences defined in the criminal code and other federal statutes and regulations are dealt with under the Young Offenders Act. The act defines a young person as 12 years of age or more, but under 18 years. However, the uniform maximum age would not apply in all provinces until April 1, 1985.

The Young Offenders Act declares that young persons should bear responsibility for their illegal actions, yet their special needs as children in a state of dependency are recognized. They are accorded rights and freedoms in their own right. These rights and freedoms include those stated in the Canadian Charter of Rights and Freedoms or in the Canadian Bill of Rights. In particular, the act states that young persons have the right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and that they should have special guarantees of their rights and freedoms.

20.7 Correctional services

Responsibility for the provision of adult correctional services is shared among all federal, provincial, and in the case of Nova Scotia, municipal governments. As set out in the Criminal Code of Canada, the federal government is responsible for offenders sentenced to custody for two years or more, while provincial governments have authority over persons

given less than a two-year custodial sentence, or placed under other court orders.

Although there is a clear delineation in division of responsibility, provision is made for interchange among jurisdictions in exchange-of-service agreements. These are negotiated for such purposes as: transferring inmates across jurisdictions; accommodating parole suspensions; and providing for the efficient delivery of parole supervision, community assessment services, and health, psychiatric and educational services.

The federal Prisons and Reformatories Act defines the general administrative structures and responsibilities for operating custodial facilities. Each province or territory, although bound by general guidelines, has instituted its own set of legislative and regulatory guidelines for corrections.

The following government agencies are responsible for adult corrections in Canada:

Federally. Ministry of the Solicitor General; Correctional Service of Canada, National Parole Board.

Provincially and territorially. Newfoundland, Department of Justice; Prince Edward Island, Department of Justice; Nova Scotia, Department of Attorney General; New Brunswick, Ministry of Justice; Quebec, Department of Justice; Ontario, Ministry of Correctional Services; Manitoba, Department of Community Services and Corrections; Saskatchewan, Department of Justice; Alberta, Department of the Solicitor General; British Columbia, Ministry of the Attorney General; Yukon, Department of Justice; Northwest Territories, Department of Social Services.

20.7.1 Custodial services

Shared responsibility for custodial services spans across each of the municipal, provincial and federal levels of government. This three-tiered structure has been incorporated in divergent ways across Canada.

Although custodial sentences of two years less a day are under the authority of provincial government agencies, there may be exceptions. Federal offenders are normally held in the provincial system prior to transfer for a 30-day period of appeal. Additionally, with transfer agreements between the federal government and the provinces and territories, some federal offenders are detained in provincial facilities and vice versa.

The degree to which municipal and provincial governments share responsibility for temporary detainment is another source of variation. Some provinces assume no responsibility, others have partial responsibility, and still others have total responsibility.

Service structures also differ in the provision of custodial services through the private sector. Normally, sentenced inmates are transferred from a