We will constructively criticize the many shortcomings of Bill C–37. However we are thankful the government is finally prepared to change some parts of the Young Offenders Act, largely in response to the pressure that we in this corner of the House have brought. We will be Her Majesty's loyal, constructive alternative with advocacy for improvements to Bill C–37 based on what the community wants rather than merely on what Reformers want.

Bill C–37 is full of problems, but we will likely support any small measure to shift the emphasis within the juvenile justice system away from its reputation of being too soft. A new Young Offenders Act must be socially resonant and clearly demonstrate Canadian society's values and Canadian mores. It must be an instrument not only of rehabilitation and treatment but also of deterrence and orderly denunciation.

The criminal justice system must be a mirror reflecting the community's sense of what is right and wrong and what is socially acceptable. People are looking today at an image that is distorted, that has little relevance to the social order we have that may have formerly existed.

Parents are concerned for the safety of their children. They are demanding an accountability of the justice system to the community. They want to have a sense of ownership in the process of justice. They are frustrated and angry that the current system seems to operate for and around a select enclave of justice professionals: the criminologists, the legal community, corrections workers, offender care agencies and the police.

Offenders seem to be the ones protected by legislation and are the preoccupation of the system. Victims, particularly victims of violent crime, do not feel well served. They have little opportunity to represent a public denunciation of violent crime. There is no legal recognition for their stake in the general proceedings.

The YOA does not require statutory service of proceedings to victims for court appearances. A whole new community accountability model of justice is required to address the needs of public concern and involvement. The public at large can also be a victim as the publication of names in critical and violent and repeat offences is not routine. The violent young offender can be released to offend again with no assurance of safety and the public has no way of knowing the person is in their midst.

Particular concern is expressed by teachers and social workers who traditionally had no access to a dangerous offender's history. It is pathetically futile for a teacher to reprimand a student and order a detention for bad behaviour in the classroom when the student has been involved in the latest convenience store robbery or is living in a local group home because he has committed sexual assault. It shortchanges not only the teacher and the other students in the classroom but also the young offender.

There are many programs in the educational system tailored to deal with problems the students are encountering, but the lack of vital information about a student precludes the opportunity for that student to reap the benefit of those very programs.

Social workers who are called to work with the young person have no way of knowing the full character of the young offender they are supposed to help. It is somewhat like asking a gourmet chef to prepare a meal and supplying only unmarked packages for the ingredients. It is a little recipe for disaster. Yet we spend millions of dollars on social programs and provide workers who are uninformed and ill equipped for what they face.

The new half–measures place a monitoring burden perhaps solely on the youth worker for in systems advisory, another bureaucratic nightmare. The whole business of non–disclosure is an abstract premise at best based on a hypothetical, on a hoped for future reformation of the offender.

The government recognizes the problem, for victims have died directly because of the non–disclosure provisions of the YOA. Now we are going to open it up a little. How many bureaucratic screw–ups will have to occur before it must be recognized all non–disclosure provisions that go beyond the adult standard of control should be scrapped. The government admits the problem. Let us deal with it square on.

• (1645)

The judiciary is also faced with a dilemma when resulting from non–disclosure of records in adult courts. Once a young offender has served the prescribed sentence for a serious offence and then five years more has elapsed, youth records are no longer admissible in court. This provision is based on the belief, or should I say the hope, that a run–in with the courts will motivate a young offender to rehabilitate and have a chance to contribute to society without the fear of his young foolish mistake unreasonably standing in his way.

Nine pages of this bill relate to amendments around a faulty premise. I say clearly to the minister let go of these outdated notions and stop the tangled bureaucratic response. One line in the act would suffice that would simply state that a youth court record and an adult criminal record are one and the same, a continuum to be kept in one computer, handled like all criminal records. The bill requires the RCMP to have a separate repository for youth records.

All these provisions are social engineering at its worst.

Take for instance the case of a convicted paedophile. If he manages to escape detection for five years and then offends again, the judge in adult court is not allowed to hear the pattern of record and he is bound by stare decisis of the courts of appeal to sentence as a first offender. The judgment is based on inaccurate information and the offender is treated accordingly and truth does not appear in the courtroom as the judge is deliberately misled. If a lawyer deliberately misled in the court