

Young Offenders Act

Hopefully the study which is being done on this matter will shed some light on this very important question.

The Hon. Member's Bill would require transferred youth who are subsequently convicted of murder to spend the first portion of their life sentence in juvenile facilities. Presumably this is to allow the young offender to be among peers and to be protected from the adult inmate subculture in which youthful offenders are vulnerable to homosexual abuse and so on. Once again, the approach recommended by the Hon. Member seems unnecessarily rigid. If the person is so dangerous that he requires a life sentence, then one must question whether it is appropriate to have such a youth housed with other youth who may be serving custodial terms of anywhere from three months to a couple of years.

While I suppose there may be candidates who would adjust well to the juvenile facility and be better protected from older and hardened inmates, the Hon. Member's proposal would have all youths transferred to adult court serve the first portion of their sentence in a youth facility. I also note that the proposal does not provide for the views of the correctional people to be taken into account for such matters as physical security.

In concluding, I would have to adopt the viewpoint of my distinguished colleague on this side of the House that this Bill would benefit from further review. In fairness, the complexity of the issue is clear. It also seems clear that as Members of Parliament we will need considerable information before us to do justice to this very important matter.

• (1750)

[*Translation*]

Mr. Jean-Guy Guilbault (Drummond): Mr. Speaker, I want to take this opportunity today to comment on Bill C-229, introduced by the Hon. Member for Scarborough—Agincourt (Mr. Karygiannis). The purpose of this Bill is to amend several provisions of the Young Offenders Act.

Perhaps I should make it clear that the present Government has already started an exhaustive review of this legislation, under the supervision of the Department of Justice and with the co-operation of the Provinces and the Territories. This review will provide some invaluable information on situations that are peculiar to the various

regions in this country and highlight problems that must be dealt with. Subsequently, it would be appropriate to consider amending the legislation to make it more effective and more realistic.

The law must protect the public, and in this case, protecting the public means rehabilitating young persons who are in trouble. Canadians have accepted this approach for a long time. It is why we have the Young Offenders Act. It is exceptional legislation because it is not general and does not apply to everyone. It is exceptional because it creates a different system for young persons. It is also exceptional because of its unique spirit and philosophy. And it is exceptional because it considers the special needs of our young people.

The Young Offenders Act considers certain elements that are important in striking a balance between the interests and security of society and the needs of the young person.

Once these elements have been put into perspective, we must remember that the interests of society include rehabilitation as well as society's security.

It is also in the interests of society to allow a young person to gain the necessary maturity to be able to deal with life and the real world. Protecting society may mean two things: the obligation to prevent the young person from committing criminal offences and the obligation to meet his need for help.

The Young Offenders Act provides a number of ways to respond to these two obligations, but they no longer meet with unanimous approval, and that is why the legislation is now under review, as I said earlier.

The Hon. Member has decided to present a bill suggesting a number of amendments which he believes would make the Young Offenders Act more effective.

With all due respect, I think that the Bill as introduced does not stand up to detailed analysis.

Mr. Speaker, I would now like to give you my comments. First of all, the Hon. Member has taken a look at the practical aspects of enforcing the Young Offenders Act. He suggested that a young person, transferred to adult court and found guilty of murder, serve part of his life sentence in a juvenile institution, up to the age of 18. This suggestion ignores the fact that it may be entirely