

Government Orders

• (1910)

I do not see a great degree of social change occurring as a result of this amendment. This document does not bring the justice system back to playing its traditional role within society which is to protect society from those who commit crimes against our property and members of our society.

Mr. John Maloney (Erie): Madam Speaker, I am honoured to rise in the House this evening to speak on Bill C-37, an act to amend the Young Offenders Act. The bill reflects our keeping of our promise made to Canadians in the red book under the title "Safe homes and safe streets".

Before I proceed with my presentation, I would like to give some personal background on where I am coming from and the perspective I see this from. I am the father of five children ages 8 to 18. I have been a minor sports coach and in my former life was on the school advisory committee.

I have had a lot of interrelationships with the youth of our country. I have two brothers-in-law who are police officers. I have discussed with them their problems and frustrations in dealing with young offenders. I have some sympathy for their positions.

I am a lawyer who from time to time was in youth court balancing the rights of our youth with the necessity of protecting our society. As a member of Parliament I had to campaign. I met a lot of people whose main issue was the Young Offenders Act and the abuses thereof. Since becoming a member and being elected, I have dealt with numerous letters on this subject.

On last May 6, I hosted two families here in Ottawa. Their names were the Racine family and the Pinard family. This was not a happy event. The reason for their visit was the presentation of a petition to this House with 55,000 signatures requesting that the Young Offenders Act be tightened up.

These families are victims of violent youth crime. These are two of the families that the Minister of Justice mentioned he had met over the last several months. The Pinards lost their daughter. Young Cheryl Racine lost an eye and is scarred permanently, both physically and mentally. They were the innocent bystanders of a shooting through an apartment door when these fateful bullets struck them. The perpetrator of this crime was a young offender.

The Young Offenders Act was passed 10 years ago and has not really seriously been considered since. We must all understand that society is always evolving while written legislation does not. The Young Offenders Act is an act with its heart in the right place, but it does not effectively put those ideals into action.

The motivation and ideals behind the act were to deal with young people who ran afoul of the law in a way that would best reintegrate them as responsible law-abiding citizens, members of our society.

One of the positive aspects of the previous act was the alternative measures program. I had one situation where a young 13-year old was charged with shoplifting. The formal offence was theft under \$1,000 for a \$1.50 tube of lipstick. She was not a bad kid. She was a very good academic, sang in the choir and had good parents.

The aspect of being picked up, charged, fingerprinted, photographed and treated as a criminal had a very sobering effect on this child. The alternative measures program allowed the judge in the circumstances to give an alternate disposition of community service. This child will not come before these courts again. I am assured of that. She has learned her lesson. That was one positive aspect of the act.

Incarceration should be the last consideration of authorities when sentencing the children in youth court for lesser offences. Community service, counselling and restitution should be the mainstays of our youth court sentences.

I applaud the minister for recognizing that fact and making it a part of his amendments. Offences of a violent nature, a serious nature, are another story. Our government's approach is a two phase approach. In my opinion our government is acting decisively in response and is reflecting the requests and demands of citizens that the legislation be readdressed.

• (1915)

We must now deal with the immediacy of the situation. The obvious problems are being addressed in the legislation before the House. A more comprehensive study will be undertaken through the fall, again responding to the electorate's request for involvement. Witnesses will be heard before committees. Debate will take place and very considered amendments to the acts will be considered.

I would like to comment on certain parts of the legislation that particularly catch my attention. The increase in penalties for murder from five years to ten years is certainly a step in the right direction. It really was a mockery to have a situation where a 17-year-old could commit the offence of murder and perhaps receive a maximum of five years.

We can appreciate why people today have little regard for the Young Offenders Act. With these new longer sentences there will certainly be protection of the public and more time for rehabilitation of youths. We will also have greater control in the latter period of their sentences.

Another situation is the reverse onus situation where 16 and 17 year olds charged of violent crimes such as murder, attempted murder, aggravated assault, sexual assault and manslaughter will now be dealt with in adult court. Transfer to adult court reflects the seriousness of the crime and the consequence of violent actions.