

With regard to the significant increases in the sentences for first and second degree murder, I caution honourable senators that we react to facts rather than misperceptions. This is especially important when considering that the most recent amendments to the Young Offenders Act, which also increased sentence lengths, have not yet had a chance to be evaluated. At a reported cost of up to \$300 a day, increased lengths of incarceration come at a considerable expense to the Canadian taxpayer, and their merits as a long-term deterrent to criminal behaviour have little supporting evidence. In fact, many studies show that the longer periods of incarceration serve only to breed criminal behaviour rather than to deter crime. This, then, is only a short-term measure to hopefully ensure public safety.

Will these amendments simply "warehouse" our youths? What good can come of this? Indeed, Professor Nicholas Bala is right to say that Bill C-37 is counterproductive. I am sure that Mr. Rock agrees that society will get only a short reprieve from some criminal elements, but we will exacerbate the problem and end up with criminals who are more hardened and dangerous. Our only hope is that phase two will show this, and we will place the welfare of young people as a priority for our attention and our resources.

Simply increasing incarceration does not deal with the root cause of the crime. Often, important societal inequalities are exacerbated in the justice system. Take the case of aboriginal groups, for example. In my home province of Saskatchewan, 70 per cent of the young offenders in custody are aboriginal youths. This number is obviously vastly disproportionate to the population. Locking them up for longer periods of time ignores the real problems that led these young people to crime in the first place.

Supported by research and personal experience, aboriginal groups detail the hardships and perceived prejudicial treatment their young persons experience in formal youth justice systems. The same can be said for youths belonging to ethnic gangs in Canada's major metropolitan centres. Are their needs being met? Are their circumstances being considered? Is it inevitable that the young person who comes out of such a justice system is embittered, outraged and probably less apt to accord any legitimacy to the system? This is obviously not a desirable outcome. For young people, we must look to the situation from which the behaviour originated rather than solely considering the offence.

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The emphasis on rehabilitation is demonstrated in Bill C-37's preference for non-custodial dispositions for non-violent offences. When considering a custodial sentence, youth courts are to ensure that custody be imposed only after consideration of all reasonably available alternatives. Youth courts are also required to give reasons for issuing a custodial disposition. Bill C-37 also sets out limitations on the use of secure custodial dispositions. This change is based on the principle that the least degree of restraint is desirable. The stated rationale behind these amendments is that the protection of society, which is supposedly the goal of this legislation, is best accomplished through rehabilitation.

I should like to commend this emphasis on rehabilitation for non-violent offenders. I believe that by using the least intrusive disposition, the rights and best interests of youths at risk will be duly considered. These amendments call for more creative, community-based programs to be made available to non-violent offenders. This is desirable if we ensure that these programs are implemented in a way that makes youths accountable in a realistic manner, while ensuring that they are given the opportunity to learn and grow as individuals. A hands-off bureaucratic approach is simply not the answer. We need to get into the process community groups and clubs that clearly have an interest in the well-being of our youth. Non-custody alternatives can involve accountability, which is more challenging, stimulating and rewarding. When considering long-term solutions to crime, experts advocate that public safety can best be ensured through rehabilitation.

Although the measures dealing with non-violent offenders appear to be on the right track, I am not holding my breath. These programs are in need of adequate funding. One need not go too far back to remember the difficulties encountered with regard to funding of the Young Offenders Act or even the Juvenile Delinquents Act before it. The failure of these acts was not putting in the requisite resources to make them viable. Upon review of the Department of Justice statistics, it is easy to see that the sentences for young offenders have increased, giving them a further measure of protection for society. It is equally clear that judges in youth court have few rehabilitative techniques and community-based programs at their disposal for non-violent offenders. They are in short supply. While we were attempting to find these resources, young people have not been dealt with appropriately and consequently find themselves escalating their negative behaviour.

I recall that when the Young Offenders Act was being debated in the early 1980s, rehabilitation was to be the key. I also recall the provinces indicating that operating open and secure custodial services would demand a much higher utilization of already scarce resources. In other words, we were already conceding that it would take a monumental task to supply the resources that could lead to true rehabilitation. Also, with the passing of the Young Offenders Act, some provinces had to move the maximum age from 16 to 18, further compounding the lack of resources available.

What should lead us to believe that, in these times of economic restraint and with fewer resources going from the federal government to provincial governments, we will be in a better position to increase our attention to rehabilitation? Bill C-37 gives no assurances as to the critical issue of funding. Yet these amendments continue to stress non-custodial care and rehabilitation. Anyone working with young offenders knows that rapid response with appropriate resources is the only way to change behaviour. Too often as a youth court judge I found myself facing delays and a lack of resources, when dealing with young persons who continued to offend. As I have often said, when the resources of the parents, the community and the school fail, they turn to the youth court to do something to change the behaviour of the young person. All that a youth court judge has that others do not is the disposition of custodial care. How many children can be locked up and how many times must a young