

*Young Offenders Act*

amendments to the legislation. I made it very clear that, were the Government not to move with respect to these four key areas, we in the New Democratic Party would be prepared to stand in our place both in committee and in the House and take the steps necessary to ensure that the Government did move. Move it did, and I am just going to outline briefly the nature of the amendments proposed by the New Democratic Party, and ultimately accepted in committee by the Government.

I might say as well that it was because we were successful in seeing these four important motions adopted that we did not unduly prolong proceedings by introducing amendments at report stage.

In listening to the remarks of my colleague for York South—Weston (Mr. Nunziata) I would support the thrust of a number of amendments that he put forward, but, once again, I regret that there was no notice of that whatsoever. I think the proof of effectiveness in the law-making process is results. When you look at the results, clearly it was the efforts of the New Democratic Party that resulted in success. They resulted in four key amendments being adopted in committee.

As the Hon. Member has pointed out, so successful were we in achieving these amendments that we were able to persuade the Government to move the amendments in committee on our behalf. That surely is the mark of success.

The amendments which we were successful in seeing adopted were the following: first, with respect to temporary detention an amendment was moved in committee at the request of the New Democratic Party which would make it very clear that the concept of supervision and control of a peace officer was essential. We are opposed to the provisions of this Bill which further water down the separation of young people and adults in detention. I will come to that later in the course of my remarks. We were successful in persuading the Government to strengthen the provisions as they now stand in the Bill.

Second, the Bill made provision for a transfer of a young person from open custody to secure custody. The original provision of the Bill was completely open-ended. It would have allowed the provincial director or the delegate of the provincial director to transfer a young person in circumstances in which it was necessary for the safety of the young person or the safety of others in the place or facility of open custody or for the maintenance of order.

That wide open discretion was severely criticized by many witnesses appearing before the committee. At the behest and inspiration of the New Democratic Party we were prepared to move an amendment and, indeed, on our behalf the Government moved the amendment proposed by the New Democratic Party to remove the words "or for the maintenance of order". That significantly tightened the discretion which is granted to the provincial director under the provisions of this legislation.

As well, with respect to the provisions for disclosure of information to the public, that provision was tightened by an

amendment to Clause 28. Finally, I want to underline the final amendment which was sought by the New Democratic Party, because in many ways this was the most significant change to the legislation. The Bill, as it was presented to the committee, made provision for an oral waiver of the rights of a young person, those rights being the right to consult with counsel and the right to consult with the young person's parents. Surely those rights are fundamental. Under the provisions of the Young Offenders Act, as it was adopted in 1982, those rights could only be waived in writing. That was in recognition of the fact that young people are not in the same situation as adults. They do not fully understand their rights. If those very important rights are to be waived they should be waived in writing and not orally.

The Canadian Association of Chiefs of Police has persuaded the Government that it should eliminate that requirement for a written waiver and that it should allow an oral waiver to take place. I am pleased that that provision, proposed Section 56(4) of the Bill was dropped completely at the insistence of the New Democratic Party and, certainly, that is an important and significant amendment which we welcome. I would note, for example, that the editorial board of the Toronto *Star* commented on this point and noted:

—under the proposed amendment a young person, who is often confused, frightened and vulnerable to manipulation following an arrest could waive these rights "orally". This objectionable proposal would strip young persons of their basic rights; it deserves quick death.

At the hands of the New Democratic Party a quick death is exactly what it got. Certainly we welcome that important change.

Before moving into other areas of concern on the legislation I do want just to take note of the fact that the process does leave something to be desired, as my colleague for York South—Weston indicated. The process of consultation with groups outside the House was widespread and extensive. However, that was a consultation with the Minister, without the involvement of parliamentarians. I certainly hope that this is not the last that this Parliament sees of the Young Offenders Act and legislation dealing with juvenile justice. There are many fundamental issues which remain to be addressed, but which this Bill completely ignores.

● (1720)

The federal Government must play a key role in monitoring the implementation of the Young Offenders Act. That point has been made by a number of witnesses who appeared before the committee. We have seen too many provinces paying lip service to the principles of this legislation.

There are concerns in a number of areas. For instance, the number of custodial dispositions, both open custody and secure custody, have increased quite dramatically. In the Province of Ontario, for example, there has been an increase of approximately 200 per cent in the number of young people who have been sentenced to secure custody. In my Province of British Columbia, the statistics show an alarming increase in the