

*Young Offenders Act*

should not repay their debt and perhaps repay more than the dollar value of that debt. Offenders could do such things as cleaning up a mile of highway or several miles of highway. There should be some public service performed in order to demonstrate the need to accept responsibility beyond just the paying of a fine, which at present can be paid by a parent or even by a child, if he happens to have money. Offenders should not be required simply to pay money and then be excused. People should be required to behave in a certain manner. They should be required to pay for their misbehaviour.

There should be some differentiation between crimes committed by adolescents as a result of an association with other adolescents and crimes committed as a result of the influence of adults. There should be a differentiation when an adult uses a child to commit crime, for pornography, for prostitution or for any other crime, whether it be organized or otherwise. In such cases there should be much harsher penalties for the adults involved. It may be presumed that the youth involved is of an immature mental age and that, while the youth will have to bear his responsibility, the full wrath of the law of the land should fall upon the adult.

● (1420)

There are areas of this bill in which I think some improvement can be made. First of all, it is my opinion that the title, the Young Offenders Act, is better than referring to juvenile delinquents because I think there is a negative connotation to those words. And with respect to the option many of these youths will have for an in camera hearing, it is my position that, while it will in some cases save the individuals some embarrassment, I do not believe that the due process of law is necessarily protected in that situation in a country that believes in freedom of the press and information. To allow a segment of our society called "youth" to have the protection of in camera proceedings has as much, if not more, opportunity for abuse as it does for service. I am nervous and concerned about this clause because, while it might be more acceptable for certain testimony, to have an entire case heard in camera is, I believe, a dangerous precedent in Canada where we simply do not believe in closed courts. The courts should be open, and if we are to expect a higher degree of responsibility from young people and we are going to treat them in a more responsible adult way, then I think an in camera proceeding is not the appropriate way to achieve that.

Another aspect on which I would like to comment is that of the juvenile review board. Here we have a proposal to establish a review board across Canada but with no guidelines as to who should sit on that board. That opens the floodgates for political appointments, appointments of people who may or may not be in a position to serve with the kind of expertise that we need on a board of that kind.

In addition to that, I believe it would be appropriate and beneficial to the young people concerned if we had assurances that a number of young people sat on that board along with the appropriate proportion of adults. This has been tried in other countries, including the United States, and been found to

have some considerable effect on their peers. In many cases a youth appearing before his peers has more respect for the law thereafter than he would if direction were coming from an authoritarian adult figure.

In summary, Mr. Speaker, it would be my view that we ought not to let this legislation pass without specifically stipulating what the guidelines should be for the review board, and that at least some members of that board should be senior youth carefully selected for their ability to consider the crime involved and whether or not parole should be granted.

Another aspect of this bill which ought to be improved at the committee stage is with respect to the definition by age of a young person. The age of majority in many provinces of Canada is 18, but it is not universal. In some provinces it can be as low as 16, and in others 17 or 19.

This is a good piece of legislation, timely and probably long overdue, but I think it would be of considerable benefit to Canada if the age limit were universal across the country. Whether you live in British Columbia, Prince Edward Island, Ontario or Quebec, or one of the territories, is irrelevant. It is my view that the Young Offenders Act, so far as age is concerned, should be standardized across Canada, even if it means further negotiations with the provinces between now and the final reading to reach an agreement on that.

Another aspect I should like to speak to is that the Young Offenders Act provides that young offenders would serve their sentences in the same institutions as presently house adult offenders. While this may seem contradictory to my earlier comments concerning young people accepting the full responsibilities of adulthood, I am not of the opinion that you can put a young person in an institution which houses adults whose behaviour has been judged by society as negative.

I think it important that the federal government provide the financing for the setting up, where necessary, of institutions for youthful offenders, thereby keeping them away from the hardened criminals who occupy these adult institutions. I cannot think of a better way to teach young people about crime than to lock them away with hardened adult criminals. If this legislation is not changed in this respect, then I think it is certainly a retrograde step in our treatment of the young offender.

Another aspect of this bill is the wording which indicates that the younger person may have counsel, a right which is different from an adult's right to counsel. If we are to treat young people in a more responsible manner, which is the objective of this bill, I believe they should have the guarantee of counsel in the same way as any adult who allegedly committed a crime would be guaranteed that right. The simple provision that he may have counsel is unsatisfactory and is not strong enough in its wording. In its review, the committee should take a look at that matter to ensure that youths are guaranteed the full right to counsel in the same manner as adults, although they are younger than 18 years of age.