

*Young Offenders Act*

absolute discharge to incarceration for up to two years, with a wide range of additional conditions which a judge may feel appropriate under the circumstances.

Other aspects of the bill which are dealt with are fingerprinting and photographs. The bill does provide for photographs and fingerprints to be taken, but these are to be destroyed if there is an acquittal or if the proceedings are discontinued. There are also special provisions in respect of storage of these kinds of records, with control of access to the information in respect of young offenders. The present act is silent with regard to the authority to take photographs and fingerprints. This issue has been the subject of conflicting judicial determination in the recent past, so these provisions will be helpful in clarifying a situation which is now unclear, at least on the basis of judicial interpretation.

The bill does provide for public hearings. As members of the House know, juvenile delinquency matters have by and large been carried on in camera, away from public scrutiny. At the present time there is a prohibition against publication in the press particularly of names mentioned in the deliberations before a juvenile court. Under this bill the courtroom will be open, but restrictions remain on press reports regarding trials in juvenile courts.

The philosophy under the present act was that trials of children should take place without publicity and separately and apart from the trials of other accused persons. Everyone will agree that in camera hearings should be, and generally are, viewed with some suspicion and are more susceptible to potential abuse. As long as protection is afforded the young offender, with a prohibition against the publication of names and identifying information in relation to the young offender, it may be a step forward in opening the whole process of allowing more access to these courts, placing the court, its officers and even the judiciary under public scrutiny.

I will conclude my comments by dealing with some of the principles of the bill. With regard to youth court records under this legislation, when a sentence is completed and no further offence is committed within a qualifying period the records will be destroyed. The qualifying period is two years for a summary conviction and five years for an indictable conviction.

In the present situation there is no provision for the destruction of records, and there are no regulations for the creation and maintenance of confidentiality of, or accessibility to, juvenile records. Indeed, a young person after conviction could be labelled a delinquent for life under the law as it now exists. That situation will be changed by these provisions. As I say, there can be no argument against the proposition that young persons should be responsible for their actions, but one would hope that these illegal acts carried out by people in their youth should not carry severely undue consequences. One thing hoped to be accomplished by this legislation is that young people will be given an opportunity to make a fresh start in life through rehabilitation and redemption.

I think it fair to imply in general terms that our party agrees with the concept contained in this legislation. It is in fact

modelled very much on the legislation brought forward by my colleague, the hon. member for Durham-Northumberland, when he was solicitor general. I recall that the hon. member for Durham-Northumberland said when this legislation was tabled he would grade it in terms of the three Rs. He said the bill does in fact give greater responsibility, does in fact provide for greater rights in respect of young offenders and does provide for greater flexibility in rehabilitation.

As I said at the outset, I do not know why the Solicitor General had to wait for the one day in the whole year when the hon. member for Durham-Northumberland was out of the House to bring forward this legislation. That hon. member may have been away another day because of illness, but I believe this is only the second day he has been absent. He is a faithful attendant. The fact of the matter is that the matter has been before him for some considerable time. He has indicated there are some provisions which must be looked at in terms of our committee work. It is very important for us to see that we obtain the best possible legislation, and I have addressed myself to some of its aspects. Obviously this bill cannot be the whole or total solution to the problem. It can only treat the symptoms of the disease. Young people in our country in their formative years need to be given some alternative to being on the streets and facing very severe criminal consequences.

● (1610)

There are some statistics which are quite distressing in terms of the development of criminal records and in terms of criminal activities in our country. Between 80 per cent and 90 per cent of adult criminals in Canada had their first brush with the law as juveniles. In such places as Winnipeg, Manitoba authorities have been in contact with more than 10,000 juveniles with respect to a variety of delinquencies ranging from highway traffic infractions to murder. The investigation to which I am referring revealed that boys as young as 15 years of age were charged with attempted murder and rape last year. In 1980, ten-year-old males were turned over to juvenile authorities to face charges of indecent assault and wounding. Boys of eight were charged with robbery.

As we sit in our comfortable pews across the country, we sometimes do not realize that these kinds of offences are occurring. I once came home to my own house and found that a magnificent robbery had taken place there. There was hardly a trace of the robbers. There was a broken window under a porch. It was a very professional job. I saw a couple of leaves on the floor. The perpetrators had gone upstairs without disturbing a thing and had taken a collection of silver coins. I was just amazed at that time to find that the robbers were two eight-year-olds. They were caught because a confectioner in the district became suspicious when he saw those silver coins. He called the police, who apprehended the boys. I happened to be talking to the juvenile court judge the next day. I told him how surprised I was to see these young children involved in this theft. It was hard for me to believe. He said, "This is the third time they have been before me". They each were eight years old.