

Government Orders

last minute with stricter sentencing for young people, a bill that will be even more repressive?

Why was it absolutely necessary to table a bill like this in the House? And why reverse the onus of proof so that it will be up to the defence to prove that young offenders should not be tried in adult court where they may get more severe sentences instead of being tried under the Young Offenders Act? Could the hon. member explain why we have this bill, although the statistics show that no further legislation is necessary and that legal circles in Quebec and Ontario are very clear about not tinkering with the Young Offenders Act because it is good legislation, and so perhaps the problem is one of enforcement?

Mr. Dubé: Madam Speaker, clearly I agree with my colleague on some points. As to his question: Why? I think it is obvious, it is that public pressure seems to influence the Liberal government. In my opinion, we have to be wary of contradictions and inconsistencies.

For example, we are telling young people that they cannot vote before 18, that they cannot drive before 16, but if they commit a crime they can be treated as adults. I think we have to be consistent, we cannot have more than one standard. I believe this should be corrected.

As to the weight of public opinion, I would imagine that members of the committee will hear witnesses, and I hope they make them change their minds on the general direction of this bill. A good start would be for the people satisfied with the present legislation to be more active in order to balance the influence of those who request dramatic changes.

[English]

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia): Madam Speaker, two months ago, almost 10 years to the day after the passage of the Young Offenders Act, Nicholas Battersby was shot down in cold blood on an Ottawa sidewalk. Because the person who shot him was a young offender, we know very little about him. All we know is that he shot a man for a lark, for fun.

There was a big public outcry, lots of calls for tougher law enforcement, and the media and the usual brown shirted brigades of gun control lobbyists were braying that we should stop crime by getting tough on honest citizens.

This is something like a man who has two dogs, one vicious and one gentle. The vicious dog bites the postman and so to appease the postman the man shoots the gentle dog and then takes the vicious dog and tries to sweeten his temperament by overfeeding him.

What will happen to this young man? Because of the date of the crime I presume he will be tried under the old Young

Offenders Act; but for the sake of this discussion let us say that he would be tried under the new one. It is less likely under the new act than under the old that he will be tried in an adult court for the simple reason that the new law will lead to interminable court delays with the new process of reverse onus that has been written into it. If he is convicted he will face a maximum of 10 years in custody, no minimum, of which perhaps 6 years could be in closed custody. Judging on the way the laws have been enforced to date that is all rather hypothetical and somewhat unlikely.

• (1710)

What should be done with a person like that? I respectfully suggest that murder by a 16-year-old is no less harmful to the victim than murder by an 18-year-old. Therefore the penalty should be essentially the same. I am not suggesting immediate incarceration with older prisoners where the young fellow would be the plaything of sexual predators. That constitutes cruel and usual punishment by any standards and is unworthy of a civilized society.

We should have institutions designed to serve specific age groups. We used to have them. They were called reform schools. Some hon. members may say that is too expensive and we cannot afford it. If we could rehabilitate some of these young hoodlums perhaps it would be money well spent. It should not be expensive anyway; it need not be expensive. Young people incarcerated in a reform school could do useful work, including growing their own food which adult prisoners in the penitentiaries used to do and which we have done away with in most cases. Why do we not go back to that? When the young offender is not working to earn his keep he could be educated. Go easy on the pool tables and TV.

A 14-year old young offender in open custody was recently quoted as saying: "It is easy time; it is kind of like a playground: Disneyland or something". What is that young fellow learning about the justice system?

The proposed amendments to the Young Offenders Act are in our opinion purely cosmetic, a transparent attempt to pacify a public clamouring for meaningful change. The government's response to almost everyone's principal demand that the maximum of age of application be lowered from 17 years to 15 years is to be sloughed off with a silly and meaningless compromise requiring 16 and 17-year olds to establish, through a tedious and expensive court process, that they should not be tried in adult court for the most serious crimes: murder, attempted murder, aggravated sexual assault and so on. The cost and confusion will be enormous: a bonanza for lawyers.

Since both reverse onus and judicial selectivity are involved some lawyers will probably be able to seek the spotlight and beef up their incomes by mounting a charter challenge. This is