

position I had many occasions to attend in court and act for the Crown with respect to young offenders court.

That was coupled with the fact that the community was getting terribly alarmed, as is the case in most communities when young offenders who have committed crimes that went against the feelings of the community were found guilty of the offence—after a long and arduous trial before a court of competent jurisdiction—and then received a penalty that the public and the community felt was not commensurate with the degree and the severity of the crime.

As we say, justice should always not only be done but should always appear to be done. In some instances in the application of the Young Offenders Act it always appeared in the mind of the public that the courts after due process were too lenient in the way they handled them.

I should say in defence of those Crown attorneys and judges who made those decisions that because of the legislation of the day, which this bill would change, their hands were bound by statute. Although they may personally have felt different, they were bound by the statute and had to comply with it. As a result they followed the statute and bore the brunt of the wrath of the community, with the community not knowing that they were bound in essence by statute.

From that perspective I would like to make a few comments on the Young Offenders Act and the changes proposed to it. I would be remiss in my duties as a member of Parliament if I did not bring these feelings forward.

• (1600)

Under the leadership of the then senior judge of the District of Thunder Bay, Judge Roy Mitchell, every three or four months we would perform all the court services in the remote areas of the northern part of the province of Ontario. We would charter an aircraft and fly up with the social worker, the judge, and the court reporter. Winter and summer, we would land at these reserves and conduct court in whatever facilities were available to us at the time, whether it was 40 degrees below zero or 40 above. The people always welcomed us when we visited.

The unfortunate part of these visits is that they were not done with enough consistency. It was no one's fault and just the system itself, but I always felt that in

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bringing justice to the north, although we were trying to do what was procedurally correct, that we were not really fulfilling the substantive issues of the law that were so important. During these court sessions in the remote sections of the province, which is true grass roots justice, I got the feeling that we were not doing a proper job in the administration of justice, not only in the province I represented but in all the provinces. Did the people to whom we were administering these rules truly understand what was happening?

As an example, we would fly into a native settlement and walk a block or two, or a mile, to the courthouse. There were no vehicles to take us to the courthouses. We would proceed to go through the dockets of the day. We would first go through first Provincial Court Criminal Division and dispose of the docket, having availed those who were accused of crime of duty counsel who were with us that day. Through the great guidance of senior Judge Roy Mitchell, we gave the accused in remote areas every benefit available to them in law.

We would then adjourn the court and reconvene with the docket of Provincial Court Family Division and handle family matters with the same court set-up, but under a different jurisdiction. After we handled all the family matters, we would adjourn and most likely go into young offenders court and dispose of all of the offences that were before the court under the Young Offenders Act.

In one of my other roles in the community, I would be an acting judge of the Civil Division. We would travel to the remote areas of the province and handle all of the civil matters that came before us in the provincial jurisdictions. Although we were doing all this procedurally, I am still to this day not sure we were doing it substantively.

The legislation that is before us today is a step toward alleviating some of the concerns that the community has about the Young Offenders Act. I talked particularly about the presumption in the law that a judge in the Provincial Court Criminal Division could not send a case up to the ordinary court of the land unless there was some valid reason. I am not sure where this presumption arose, but the bench seemed to feel that they could not dispose of that case in that manner. If it was a charge under the Young Offenders Act and the person was under the proper age and so on, it had to be tried in that court.