

[Translation]

The Acting Speaker (Mr. Charest): The Minister of Communications (Mr. Masse) on a point of order.

Mr. Masse: Mr. Speaker, I should like to take advantage of this point of order to thank those who took part in the debate, to acknowledge the quality of the speeches and to apologize for having been away during a few hours, because I had to testify before the Standing Committee on Communications and Culture. I had to introduce a government bill on copyright which is, you will agree, a very important question for Canadian artists and cultural industries.

I hope that parliamentarians will have more opportunities of this kind to state their views on the Canadian cultural policy and that from those proceedings will emerge some directions which the Government will be pleased to follow.

The Acting Speaker (Mr. Charest): Order please. It being six o'clock, it is my duty to inform the House that in accordance with Standing Order 62(11), the proceedings on the motion have expired.

● (1800)

[English]

PROCEEDINGS ON ADJOURNMENT MOTION

A motion to adjourn the House under Standing Order 45 deemed to have been moved.

YOUNG OFFENDERS ACT—REQUEST FOR COMPREHENSIVE REVIEW

Mr. Bill Attewell (Don Valley East): Mr. Speaker, on May 7 I asked the Solicitor General (Mr. MacKay) a question pertaining to the Young Offenders Act because I am concerned about some aspects of this legislation. As of April 1, 1985, the minimum age for trial in an ordinary or adult court was raised to 18 years. Previously, under the Juvenile Delinquents Act, the minimum was 16 years. One of the serious consequences of this revision is that a person aged perhaps 17 and a half years who killed a person would, under the Young Offenders Act, only be sentenced to a maximum of three years. This is indeed disturbing news. Not only am I concerned about this situation, but in conversation with law enforcement officers I find my concerns are shared.

I am aware that Section 16 of the Young Offenders Act provides a safety valve for dealing with difficult cases, especially where public protection is the key issue. That section provides that, in limited circumstances, with the interests of society in mind, a young offender could face having his case transferred to an ordinary court. It is my understanding that a request for such a transfer could come from the youth court on

Adjournment Debate

application of the young person, his counsel or the attorney general or his agent, but not a private prosecutor. A judge may not initiate such an application on his own. The young offender, the parents and the attorney general must first have the opportunity to be heard. If the court was of the opinion that in the interests of society, and having regard for the needs of the young person, that young person should be proceeded against in an ordinary court, then the young person would be tried in an ordinary court and treated as an adult.

What disturbs me, Mr. Speaker, is what happens to those cases where the young offender should be tried in an ordinary court, yet no application for a transfer is made? For example, recently a woman was brutally and viciously raped by a 17-year-old. The offender pleaded guilty and is awaiting sentence. It is anticipated that, in accordance with the Young Offenders Act, he will likely be sentenced to the maximum of three years. Part of this process apparently includes a mandatory requirement for a review of the sentence every six months or every year. Therefore, it is possible that through such review the victim could be recalled. Is it really fair to the victim to initiate all over again the pain and suffering he or she experienced during the commission of the offence? I hardly think so. If this case was tried in an ordinary court, could there not be different results and a different process?

Another point I would like to raise concerns the young offender who is under the age of 12 years. According to the Act, a child under the age of 12 is not subject to prosecution. Let me illustrate my point with an example which occurred in my home city of Toronto. A 10-year-old was caught in a high speed car chase. Because of his age, and in recognition of the Young Offenders Act, there was literally nothing the law could do to him. Perhaps his behaviour could be attributed to a one time occurrence of mischief. However, just this morning the same "child" was caught pulling a fire alarm without reason. The child has admitted that he is aware that because of his age there is nothing the law can do to him; the most he will receive is a slap on the hand.

● (1805)

In Toronto, the Young Offenders Act has left the Toronto Police unable to deal with over 300 cases of burglary, arson, sexual assault and assault because the suspects are all under the age of 12. Apparently, the frequency of violence in this age group is increasing, according to police. This is most distressing. The police feel that their hands are tied.

I am not suggesting that impressionable under 12-year-olds should be detained with older youths, but my question then is how can we deal more effectively with these children without our hands being tied by the Young Offenders Act? It seems to me, though, that there is a great possibility that these child criminals can easily grow up to be hardened street-wise, vicious adult criminals if all they get now for criminal behaviour is a slap on the wrists.

I realize that some changes in the Act were necessary to achieve consistency with provinces where different age catego-