

Adjournment Debate

at a high speed, chased by the police, which resulted in the injury of two police officers. No charge could be laid against that 11-year old boy under either the Criminal Code or the Highway Traffic Act of the Province of Ontario. He could not be charged with any criminal offence whatever because of the provisions of the Young Offenders Act.

Those were some of the incidences pointed out by the chief at that time. Since that time a number of other cases have come to light. One, of course, was the 17-year old offender who had been charged with armed robbery with a sawed-off shotgun, who then escaped custody, yet the police could not warn the public of the name or identity of that person because of Section 38 of the Young Offenders Act.

The police have also pointed out the serious position in which the law puts a person accused of committing a sexual assault, or something of that nature, against a young child under the age of 12. A judge can now accept the uncorroborated testimony of a child under the age of 12 in order to convict a person on a charge of that nature, but that child is not subject to being charged in the event it turns out that the evidence given is not true, or not correct. A child under the age of 12 can give evidence which can be accepted as sufficient to convict an adult. In that event the judge is accepting that evidence on the basis that the child understands what is right and what is wrong, and what is meant by the truth. But at the same time that child can not be charged for perjury if in fact the evidence that the child gives is false. Those are some of the instances raised by the Metropolitan Toronto Police Department in connection with this situation.

● (1805)

You may recall, Mr. Speaker, that at that time the Acting Solicitor General raised the point that the police could fall back on the Child Welfare Act, or perhaps the new Ontario law now scheduled to come into effect on October 1 of this year, the Child and Family Services Act. In both instances it would be necessary for the police not only to investigate the offence involving the young offender, but to investigate the family situation as well, with a view to determining whether the family was a good family, or was not looking after the child properly and did not have the child under proper control. The police and the Children's Aid in a number of instances have pointed out their concern with that sort of approach.

It is obvious that in most of these instances the child under the age of 12 lives in a good home, is well looked after and well cared for. Certainly there would be no way that the Child Welfare Act as it now stands would apply to that child, and no way in the opinion of the police or of Children's Aid that the Child and Family Services Act, which will come into effect in October of this year, would have any application or effect in that situation.

As a result of those inquiries I arranged a meeting with the Chief of Police of Metropolitan Toronto and the Solicitor General of Canada (Mr. MacKay) to discuss these concerns and try to sort out some answers to these problems. On that occasion, the police raised five separate areas of concern. They

raised matters relating to those offenders under the age of 12; a ban on publication, a records repository, breach of probation and the definition of temporary restraint. All of these questions remain to be answered.

I trust that the Parliamentary Secretary will tell us today that the Solicitor General is seriously considering introducing some legislation to correct this situation so that the police can better serve and protect the citizens of Canada.

Mr. Chris Speyer (Parliamentary Secretary to Minister of Justice): Mr. Speaker, I am personally aware of the meeting that took place between the Hon. Member, the Chief of Police of Metropolitan Toronto and the Solicitor General (Mr. MacKay). I believe that meeting took place within the last 14 days and I am aware, from public and private statements that have been made by the Hon. Member, that he is very concerned about the Young Offenders Act. I might say that certain provisions of that Act have concerned all Members of the House or, at any rate, most Members of the House. I can tell the Hon. Member that his concerns are being monitored.

In January of 1985 the Solicitor General met with his corresponding Ministers at a provincial level. It was agreed at that time that there would be a mechanism for carrying out investigation of the Act and the necessary consideration of amendments that might be called for. I would ask the Hon. Member to be patient with respect to this matter. I know that the Solicitor General is very concerned and I know that he will get back to the Hon. Member in due course.

CHARTER OF RIGHTS—FUNDING OF LITIGATION. (B)
DEPARTMENTAL STUDIES. (C) OVERRIDE PROVISION

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I am pleased to rise to pursue a very important question I asked of the Minister of Justice (Mr. Crosbie) on February 1 of this year. You will recall, Mr. Speaker, that was the day after the Minister had announced his response to the challenge that was posed by Section 15 of the Charter of Rights and Freedoms, the Section which guarantees equality for all Canadians.

Many of us were very bitterly disappointed by the fact that the Government had failed to move forward with significant legislation, having been given three years to review its legislation comprised of some 1,100 statutes. In fact, the Government made very little progress in making amendments to ensure that equality would be a reality. As I have indicated, women, the disabled, minorities, and hundreds of thousands of Canadians felt a sense of anger and betrayal. They had waited three years for naught.

● (1810)

The effect of the failure on the part of the federal Government to move forward with the legislative initiatives which would ensure real equality is that those who wish to assert their rights and put an end to discrimination in Canada are being forced into the courts. Of course, a committee has been established, and I have the honour of representing my Party on that committee. That committee has heard witnesses from