

the provinces spend enough to ensure the availability of such supervision, treatment and alternative measures.

That problem has been further compounded by the federal government's decision in May 1989 to freeze the federal government's financial contribution to juvenile justice programs and services for a period of five years, and that finally, directing the court to consider this factor might effectively punish the youth, as I have said, for a lack of commitment of human and financial resources exhibited by both levels of government.

What the federal government has done is made the province provide the facilities and then some poor accused kid comes before the court and it says: "We can't release you because the facilities aren't there". I do not think that is the way to go at all.

I do not think it is encouraging that this factor comes at the end of such a grim list. I do believe that it will be subject to the type of negative interpretation that I have just described. That is the gist of my amendment.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, I understand the gist of the motion of the member for Port Moody—Coquitlam. I understand exactly how he feels. There is an inequity here. The problem is that there should not be this distinction that peoples in areas where we do not have availability of supervision should not be punished.

The problem is that in areas where there is the availability of supervision people incarcerated in that area may not get the advantage of the fact that that availability is there, so they may not be able to get the benefit of the doubt. It is a very difficult point. Do we go for the uniformity which I think my friend and I both would like to see in the act and feel should be in the act? Do we vote for this not to be there and deny those young offenders, who are in areas where they can take advantage of this provision and thereby be able to be on parole earlier, the right to be able to take advantage of that and to be out of incarceration that much earlier?

There is a real problem here because of the nature of the act and because of the federal-provincial involvement. This is not the only example of this. It is involved in the transfer provisions.

Government Orders

My learned friend, the parliamentary secretary, has mentioned some of this. He talks about the fact that we are blind to the fact that those who commit murder can get life. That is a very stiff penalty and so there are stiff penalties in this bill. I agree with my colleague from the NDP who announced that one-fortieth of one per cent of the young crimes are actually murder. That is the problem.

• (1620)

We are not dealing so much with the murders, as horrendous as they are, we are dealing with youth crime in general. The problem is that now under the Young Offenders Act the charges laid will result in very short penalties, and we feel that the penalty should be longer to give more time for treatment and training and consultation in incarceration for those young people who need this, so that when they come out they are more aware of how to live within society. That is very important, not only from the point of view of punishment and deterrents, but it is a rehabilitation. There is time needed.

We had before the standing committee witnesses who said they object to the transfer provisions because it is wrong to put these young people in adult institutions. We feel, as my colleague from Port Moody—Coquitlam has said, that you really do not need more than five years. These witnesses acknowledged the fact that there are situations in which maybe some people do need more than five years to be fully rehabilitated. While they probably did not want that in the bill, they did not object to that too much as long as the youth court would be making the sentencing and that the offenders would be in a youth facility.

The transfer provisions are very, very unfair. The province of Quebec has probably the best record of any province. Only about 20 per cent of young offenders are transferred to adult courts. In one province as much as 80 per cent of young offenders are transferred to adult court. That is because of the large native population in that province. This is discrimination. It is blatantly unfair and something has got to be done to deal with that unfairness. We cannot allow that to continue.