

*Government Orders*

The bill offers some very badly needed improvements. The original Young Offenders Act had an excellent rationale in my view. It was simply to recognize that society ought to deal with the young offender in a way different from a more mature offender, that the penalties ought to be different, and where incarceration is required that there ought to be different facilities. Canadians generally recognized and accepted that rationale.

Unfortunately as we know on all sides of the House and as Canadians from coast to coast to coast know, the Young Offenders Act has been, in at least a minority of cases, somewhat badly abused.

You see young offenders on national television telling Canadians that they consider the Young Offenders Act to be something of a joke and that they feel when they are incarcerated it is kind of like going to camp. When you hear that on national TV from repeat young offenders, there is no doubt in my mind that Canadians feel, and rightly so, that there are some problems with the current legislation. Obviously that is why the minister is seeking to put forward these improvements as step one of the ultimate act we will have in place.

If I might briefly consider the improvements that are offered in the proposed legislation, one of the major improvements is the provision that would put the onus on a 16 or 17-year old offender convicted of a violent crime, especially murder. The onus will now be on that individual to convince the court why he or she should not be dealt with as an adult criminal in adult court and subject to the tougher penalties of law.

That is an important change because under the current legislation we seek to amend, the reverse is true. A 16 or 17-year old convicted even of murder is dealt with on a much more lenient basis and is not tried in adult court. This legislation will correct what most Canadians consider to be a gross inequity in that area.

The provision or penalty for murder, I would remind hon. members and Canadians generally, started out at a mere three years for first degree murder. In my riding of London—Middlesex we had a sad situation a few years ago when one young offender murdered I believe three people—it was certainly more than one person—yet was subject to a maximum total penalty of three years. That was clearly not just and clearly not adequate for a serious crime like murder.

The penalty went from three years within the last short period of time to five years but this legislation would allow a doubling of that maximum penalty up to 10 years.

Some might still say that for first degree murder 10 years is inadequate and I suppose that is a debatable point, but it

certainly is far more just than the five-year penalty that it will replace.

• (1800)

The under 16 and 17-year old offenders in that age category will not be eligible for parole as early if convicted of murder. In other words, a young offender convicted of murder will now find it much more difficult to earn parole than he or she has under the current legislation. Again, I think that is just common sense and simple justice.

As I say, Canadians know that there have been problems with the Young Offenders Act. They are crying out for improvements. I think the minister has offered major improvements as the first step of a two-step process.

As our red book stated during the election campaign and as the minister, the Prime Minister and members on this side of the House have continued to say since the election of last October, public safety must be the top priority as we address this issue.

Let me be completely fair and say that I have heard that statement from all parts of the House. I agree that public safety must be the first consideration when we are considering the justice system, in any part of the justice system, and that includes those offenders who are young Canadians. It seems to make that as its first priority.

Where perhaps I differ as a Liberal from some hon. members in the House is this. This party, this minister and this legislation seeks to find a balanced approach to this serious problem of youth crime. It is not enough to just simply say: "Let's throw them in jail for as long as we would any other adult, throw away the key and let them rot in jail". That is not the answer. We have not heard that attitude too much in the House, but I have detected that kind of approach by certain hon. members. I would find it shortsighted because it is not a balanced approach.

Legislation alone will not solve this problem. It is certainly a key component of addressing this issue but it is not enough in and of itself. I think that we are very shortsighted as a nation if we do not seek to treat the root causes of youth crime, the poverty that many if not most young offenders experience, the very real poverty that most Canadians do not experience but which a high percentage of young offenders have experienced in their lifetime. They have experienced repeated family violence, themselves often the victims of this violence both sexual and non-sexual.

Racism is unfortunately a real problem. There are young offenders who are from a minority group. When you analyse their background and why they committed crime, racism is a repeated theme in young offenders from minority groups.

The whole question of illiteracy and dropping out of school is another problem. As an educator for 21 years, the first signs to show that you may have a potential young offender on your