

*Young Offenders Act*

ment. That was not done. In fact, the Crown's decision not to apply for a transfer was fatal.

The youth court judge, a Cecil Ball, in fact stunned not only the Crown but all those who were watching, by ruling that the boy, who was a devil worshipper and had carved the satanic symbol 666 on his own chest with a knife, was sane when he shot those three people. Obviously, that was a decision which shocked all those who were watching and certainly it was in those unique circumstances that this sentence was arrived at. I share the concern about the sentence in that particular case.

However, we have to be cautious. I suggest that it is premature for us to be embarking upon the sweeping changes which have been advocated by the Member for Scarborough—Agincourt and which are disagreed with by his colleague, the Hon. Member for York Centre (Mr. Kaplan).

The Hon. Member referred to the question of youth gangs. The reality is that youth gangs are a concern in a number of jurisdictions in Canada. However, they can be dealt with, and be dealt with firmly and effectively under the existing provisions of the Young Offenders Act.

Contrary to the view of the public that this Act has resulted in lighter sentences, the reality is quite the opposite. In fact, studies have shown that under the Young Offenders Act, there are more and longer custodial sentences. For example, there is evidence in Ontario that 16 and 17 year olds who were formerly dealt with under the Criminal Code rather than under the Juvenile Delinquents Act are receiving harsher sentences under the Young Offenders Act. It has been suggested that young offenders are being punished more severely under the new Act than adults who are charged with a comparable crime. Those are the facts. We must be very cautious to deal with the facts and not with myths.

One of the very serious problems with the Hon. Member's proposal is that it would remove entirely judicial discretion in dealing with young people aged 14 years of age and over who are accused of murder. For example, the Hon. Member's Bill would treat equally a 17 year old enforcer who killed someone for failing to pay a drug debt, who clearly should be dealt with in adult

courts, and a 14 year old abused child who kills her abusive father in a fit of anger, rage and despair. The Hon. Member's Bill would force the courts to deal with that 14 year old girl in a manner which would allow no discretion whatsoever which would require a life sentence with a 10-year minimum before even eligibility for parole. That is the effect of the Hon. Member's Bill. Certainly, that elimination of any judicial discretion is one to which we take very strong exception.

We should recognize that the Supreme Court of Canada will be ruling on the whole question of transfers under Section 16 of the Young Offenders Act. It is premature for us to move ahead in this Draconian way without having had an opportunity for the court to clarify the provisions of that Act.

Yes, there are concerns. There are serious disparities in the application of transfer provisions by region in Canada. A young person charged with murder is much more likely to be transferred to adult court in Manitoba than they are in Ontario or Quebec. One-third of all successful transfers in Canada have taken place in Manitoba alone, and many of the rest occur in my own Province of British Columbia and in Alberta. Transfers are rare in Quebec and Ontario. We must look at that.

However, we must also examine the availability of treatment resources. They must be made much more equal across Canada. If we are serious about the level of crime among young people in our society, we must stop the hypocrisy of provincial and federal Governments in denying resources to deal with the causes of crime among young people.

I note that my own Province of British Columbia is threatening to close the only residential drug and alcohol program for teenage addicts. That is shameful. We should be putting more resources into assisting young people who are addicts, whether they be drug addicts or alcohol addicts. Instead, we are cutting back on those programs and we will pay the price as a society.

I have an article from the *Ottawa Citizen* with a headline: "Troubled teens low on long waiting list". That article points out that children who are abused by their parents must wait in some cases for months because of