

*Young Offenders Act*

out. They have reviewed the Bill; they have recommended changes.

What we find today is that although the Government purports to listen to Canadians before it acts, although it purports to care about the consultative process, and although it purports to be concerned about having legislation which is fair and reasonable, the Government has refused or is about to refuse each and every one of 20 responsible amendments which have been proposed by the Liberal Opposition. However, the record will show that we tried. Unfortunately these groups and individuals will have to wait a few short years for a change in Government before these amendments will become law.

Motion No. 20 would eliminate the anomaly created by the repeal of the present Section 61 whereby 12-year and 13-year olds would be presumed to have criminal capacity but not the capacity to give an oath, as capacity under Section 16 of the Canada Evidence Act is not presumed until the age of 14 years. This amendment is supported by Justice for Children.

**The Acting Speaker (Mr. Charest):** The question is on Motion No. 20. Is it the pleasure of the House to adopt the said motion?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** No.

Motion No. 20 negatived.

● (1640)

**Hon. Elmer MacKay (for the Solicitor General of Canada)** moved that the Bill be concurred in.

Motion agreed to.

**The Acting Speaker (Mr. Charest):** When shall the Bill be read the third time? By leave, now?

**Some Hon. Members:** Agreed.

**Hon. Elmer MacKay (for the Solicitor General of Canada)** moved that the Bill be read the third time and passed.

**Mr. John Nunziata (York South—Weston):** Mr. Speaker, as I was indicating, the Solicitor General's Department over the last number of months—I believe the consultation process started over six months ago—listened to quite a number of organizations across Canada and dozens of individuals expert in the area of young offenders. It is obvious to us now after what we have gone through over the last hour and a half that the whole consultation process was somewhat of a farce. The Government did speak to these groups and individuals, but it is obvious they did not listen to the groups and individuals.

The Young Offenders Act was introduced two years ago by the Liberal Government of the day. It was felt that there should be uniform laws across Canada to deal with young offenders, that there should not be one law in one part of the country and another in another part. Prior to the Young Offenders Act we were dealing with the Juvenile Delinquents

Act, an Act to which a lot of Members of Parliament opposite were subjected when they were younger—I am only kidding, Mr. Speaker. I just want them to wake up across the way.

The Young Offenders Act did replace the Juvenile Delinquents Act and provided, among other things, for a uniform age across Canada for criminal responsibility. Prior to the passage of the Young Offenders Act two years ago a person who in Ontario might be considered a young offender would not be a young offender in another province in Canada. In Ontario, the province where I reside, young adults were those who were 16 and older under the Juvenile Delinquents Act. The sixteen and seventeen year olds who committed offences contrary to the Criminal Code of Canada were treated like any other adult who committed a crime. It was felt that young people are as much victims as they are offenders in a lot of circumstances. A person, for example, who is 10, 11 or 12 years of age should not, in our view, be treated as a criminal. The young offender should be treated rather than punished for his or her particular offence.

It appears obvious from the outset when the Young Offenders Act was introduced that there was not the necessary public acceptance of the legislation in order to ensure its success. We found that the police and provincial Governments reluctantly co-operated with certain provisions in the Bill. There was a hue and cry for amendments to the legislation at least to assure the public that some of their concerns were being addressed.

There have been a few celebrated cases in the last two years, some major murder cases in Ontario, which caused considerable controversy and caused people to condemn the Young Offenders Act. It was felt the Act was not working. In one particular case I recall, one young person murdered a number of people. Rather than transferring the matter to adult court, the matter was dealt with in the Young Offenders Court, thereby restricting the court as to the type of disposition that could be handed down. The Young Offenders Act limits the period of incarceration to three years. In this particular case the person who had committed murder could only be sentenced to a three year period of incarceration. Had the Crown attorney in the case done his work, that case should have been transferred to adult court where the young offender could have been given the maximum sentence for murder.

Because of that particular case and others the public was alarmed. The Solicitor General's department decided to undertake certain changes to the Act. Before so doing, the Department decided to consult with provincial Attorneys General and interest groups throughout Canada. As I indicated earlier, the Solicitor General's department did not listen to the submissions made by quite a number of those groups and organizations. It is interesting that there was consultation before the introduction of Bill C-106, but there was very limited consultation after its introduction. It was difficult to determine where Canadians stood on Bill C-106. They expressed concerns prior to the introduction of the Bill. They expressed concerns relative to the general provisions of the