

Adjournment Debate

● (1820)

I know I am not alone in welcoming this modern piece of legislation. I think it does not speak very well of the fact that our laws have not changed for some 60 years in this regard. This Act, as you know, Mr. Speaker, replaces the Juvenile Delinquents Act.

On November 28, 1985, I asked the Solicitor General when we could expect amendments to the Young Offenders Act to address those areas where problems have arisen in actual practice. I am very pleased that such amendments were tabled in the House on April 30, 1986. There are several areas of particular concern which have emerged over the two years since the Young Offenders Act was proclaimed in April of 1984. One such area is that the authorities have found it difficult under the Act to deal effectively with young offenders who have violated parole conditions or other dispositions of the court. The proposed amendment will streamline the process to allow for quick police action in such cases.

Another area identified by police officials as causing undue difficulty is the procedures concerning pre-trial detention. I have spoken on several occasions with Inspector Jim Clarke, the head of the Youth Bureau of the Metropolitan Toronto Police Department. The procedures requiring the separate detention of those over 12 and those under 12, although necessary, are too inflexible. One case he cited involved two brothers, one over 12 and one under 12, who could not be sent home in the same police cruiser because of the procedural requirement. It is my understanding that the amendment, while adhering to the important principle that adults and young people should be kept separate in detention and custody, will allow police more flexibility in dealing with young offenders in cases such as the one I previously mentioned.

Professionals who have been working with the Young Offenders Act have found that the prohibition of publication of information concerning a young offender has, in some circumstances, created an unreasonable risk to the public. For example, when a dangerous young offender escapes custody and is at large, publication of information can be vital in warning the public and in aiding the police to apprehend the offender.

Much public attention was focused on the maximum sentence of three years which could be imposed on someone tried and convicted under the Young Offenders Act, especially after a court decision in a Scarborough murder case in which a 14 year old was convicted of three murders and sentenced to the maximum of three years. Cases involving young people who are involved in particularly violent crimes can be tried in adult courts if the Crown Attorney so chooses. The amendments proposed by the Solicitor General allow for courts to impose consecutive sentences for new crimes.

The retention of records relating to young offenders also became an issue during the two years since the proclamation of the Young Offenders Act. In a celebrated case in Orangeville, records and psychiatric assessments of a young man found not

guilty of murder by reason of insanity could not be released to the hospital to which he had been sent. The amendment to allow more flexibility in maintenance and destruction of records is well taken.

Law enforcement professionals have also had some problems with how to deal with offenders under the age of 12. This problem was brought home to me by one of my constituents, Mrs. McCullough, whose cottage in the Port Parry area was broken into and vandalized by two young girls aged 10 and 12. Mrs. McCullough is concerned, and I share her concern, that these young girls may not be deterred from repeating their crime. Our home was broken into a few years ago and we were told it was broken into by young people under the age of 12. I feel we must keep in mind the number one objective with respect to youngsters under 12, and that is that they be rehabilitated. I believe that is an important aspect of this Act.

Individuals who counsel or encourage children under the age of 12 to commit crimes are committing a serious offence against the children and society and I am pleased that the Criminal Code will be amended to allow for criminal prosecution of such people. The Young Offenders Act does not deal with children under 12 years. Last November, the Ontario Legislature enacted the Child and Family Services Act which deals with children under 12 years and the legal system. Let us hope that this legislation will help those children who come into conflict with the law to change their ways before criminal activity becomes a habit. I must point out that Ontario, regrettably, was the last province to bring in such legislation, even though it was told that federal legislation would come in in 1984.

● (1825)

In summary, I have followed the Young Offenders Act with great interest since I was elected to the House. I have attended consultation meetings with law enforcement professionals such as Metropolitan Toronto Police Chief Marks, Inspector Clarke of the Youth Bureau and representatives of the various social agencies such as the John Howard Society. I was pleased to be present when the Solicitor General announced the amendments to the Young Offenders Act in Toronto on April 30, 1986.

From these experiences and from discussions I have had with my constituents and others about the Young Offenders Act, I believe it is a good Act and a real improvement. While there have been some initial problems, these amendments should help resolve them. We just need a little bit more time and experience for everyone to appreciate the full value and thrust of the legislation. I commend the Solicitor General for acting so quickly on these much needed changes.

Mr. Gordon Towers (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, in response to the question put by the Hon. Member for Don Valley East (Mr. Attewell), I would like to make a few brief comments at this time on behalf of the Solicitor General (Mr. Beatty), reserving a fuller explanation of the proposed changes to the Young Offenders