

Young Offenders Act

know how to use the law in order better to reach their aims.

Mr. Speaker, while we are not correcting those situations and while we are proposing to cure the ills of our young offenders, we should remember that we shall achieve nothing really effective through this bill unless we withdraw from the eyes of our young people these laws which in my opinion are often scandalous.

How for instance could we urge our youth to behave decently when Parliament passed legislation legalizing homosexuality from the age of 21?

How could we urge our youth to be honest and to try and set high ideals for themselves when we are in the process of passing legislation legalizing certain drugs such as marijuana?

If through our laws we are fostering some vices amongst our young people, let us not then try and impose guidelines upon them. This is why it is difficult to rebuke the young, to have them walk the straight and narrow path while, alas, through our own example, we have them straying from it.

This is why at the same time we are drafting legislation in order to strengthen the moral fibre of our children, we should render all laws sound, for they are not always.

And above all, undertakings such as legalization on abortion on request, the unrestricted use of some drugs, etc., will have to be blocked. Should we allow all these to go through, then with the licentiousness which unfortunately is now rampant, again and on all sides, this commendable bill will be of no avail, will prove to be absolutely futile, whereas in my opinion it does contain tremendously positive intentions.

Also to provide it with real efficiency, consideration should be given to amending all the other legislation which as I have already said is much to tolerant and sometimes in spite of its excessive severity, prompts and challenges our young people, sanctions the existence of underworld organizations and parasites who operate systematically outside of the law.

Mr. Speaker, after we pass this bill, I wish we would also try and find solutions to the problems which are at the root of juvenile delinquency.

● (5:20 p.m.)

[English]

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I should like to follow the traditional pattern when a new minister is involved in legislation in the House by wishing him well in the execution of his duties. I can do that in this case because we in the official opposition do not really feel that the minister is responsible for the legislation now before us. If I thought he had anything to do with it my words would be at the least of greater warmth. Since he is a new minister, and in view of his attitude toward penitentiary matters, he is obviously an earnest minister and I can wish him well. I hope his very first act to show that he means well in his office will be to march in on his colleagues tomorrow and suggest that

[Mr. Matte.]

they have a long second look at this legislation, that it be withdrawn or that the government accept the amendment of the official opposition. Perhaps in this way a whole new approach could be taken to this matter which would reflect the minister's philosophy. Perhaps the minister does not realize at this time, but I am sure he will tomorrow, that he is getting himself involved in a hornet's nest by presenting this bill to the House of Commons. With these caveats, I again wish the minister well in his duties. I suggest that he take his new broom and begin to beat some new shape into this legislation, Bill C-192.

It is significant that there are no explanatory notes anywhere throughout this very lengthy piece of legislation. I suppose this is partly so because the bill is wrapped up in as much mystery as legal draftsmanship could devise. Perhaps it is because no one wants to put in simple language what this is all about. There are some very complicated features in this measure. In any event, it is a bill that is in a sense unique in that it has nothing in it to help a Member of Parliament understand its philosophy or meaning, except in the words of the bill itself. It is an unjust bill for two reasons. It is unjust in its attitude towards those it deals with, and it is unjust to those who administer it, namely the provinces of Canada. I shall attempt to prove this during my speech.

I note, as other hon. members have noted before, that the obvious weakness in the bill is the threat of punishment hanging over the heads of young Canadian boys and girls. This is a threat which could last for up to 11 years. I suggest that if anyone here thought that some Canadian should undergo up to 11 years imprisonment before knowing the ultimate punishment that was to be assessed, he would wonder about the type of legislation a powerful Parliament was being asked to pass. For that reason, and because of the harshness this measure could work, admittedly in extreme cases, we have to take a long and hard look at what we are being asked to do. This 11 year provision is a sort of Damocles sword hanging over the heads of young people. In a few moments I will go into this in greater detail.

We should ask ourselves what the philosophy is that should be borne in mind in dealing with measures such as this which relate to young people who find themselves in difficulty with the law. The Canadian Mental Health Association made a submission to us, and while I do not necessarily agree with the paragraph I want to place on record, I think it at least sets the guide to an approach which would commend itself more than the approach taken by Her Majesty's advisers in this case.

Let me quote from the submission by the Canadian Mental Health Association dated December 7, last year. I quote from the second paragraph on the first page as follows:

● (5:30 p.m.)

The purpose of legislation directly concerning children and young persons whose behaviour is unacceptable to society, is surely to provide the best means possible to promote growth and development of a healthy personality and of acceptable, responsible, mature behaviour. This must be the main objective.