

Young Offenders Act

inappropriate, because of the high risk involved, to place a young person in that kind of institution. [English]

By obliging the court to place a young person in an institution for juveniles, the legislation also ignores the importance of the correctional aspect: controls or lack of them, the "bad apple" factor, risk to other juveniles, and so forth.

More importantly, the proposed legislation tends to forget that the needs of a young person sentenced to life imprisonment will be totally different from the needs of a young person sentenced to maximum of three years: psychological support to help fight the despair, depression and anger caused by the prospect of life imprisonment, therapy to understand the causes and consequences of the situation, occupational support, and so forth.

The Hon. Member also submits that the court should order a young person, transferred to adult court but placed in a juvenile institution, to be assessed. With all due respect for the Hon. Member's views, this suggestion does not seem very realistic, since it completely ignores the needs of the young person.

It would be far better for the Youth Court, as is the case today, to request an assessment before deciding whether the young person accused of murder should be transferred to ordinary court.

The Hon. Member forgets that an assessment enables the court to identify the reasons and causes of deviant behaviour and the ability of the juvenile court system to treat and deal with these causes in the young offender. If a transfer has already been ordered, an assessment is useless.

The Hon. Member suggests making treatment of young offenders compulsory. I think this approach is contrary to our statutes and to the Criminal Code, as well as the provincial legislation on mental health, since it ignores the concept of consent. This kind of obligation would also draw protests under the Canadian Charter of Rights and Freedoms.

The Hon. Member for Scarborough—Agincourt also suggested that the records of young people found guilty of murder but not transferred to ordinary court be preserved. I think this suggestion warrants further study.

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I too have examined with interest and care the Private Member's Bill put forward by the Hon. Member for Scarborough—Agincourt (Mr. Karygiannis).

First, I share the concerns very ably expressed by the Hon. Member for Mississauga West (Mr. Horner), the Chairman of the Standing Committee on Justice. He outlined to the House, and I would like to point out as well, some of the pitfalls regarding some of the suggested changes to the Young Offenders Act.

What the Hon. Member is doing among other things is suggesting an unrealistic time frame for us to proceed with amendments to the Young Offenders Act, particularly proceeding at the present time.

Let me say something about my colleague, the Minister of Justice (Mr. Lewis) on this matter. I think he should be commended for, among other things, the very strong stand he has taken on the issue of the Young Offenders Act, notwithstanding the very real pressures he has had to respond to from his first days in this new portfolio including, I might add, the murder of a young woman in his constituency for which a young person has been charged.

While the Minister has publicly expressed his intention to examine thoroughly this issue in as short a time frame as possible he has also indicated the necessity of achieving a substantial degree of consensus among the provinces and territories. Assuming such consensus will be achieved, it is my understanding that the Minister will seek to move amendments in the fall. I think that is something that the Hon. Member who has proposed this Bill should consider seriously.

Along with other Members of the House and, indeed, our constituents, we are quite concerned about this matter. However, I am sure he is aware of the fact that in changes to the Criminal Code, or changes to an Act such as this, we are relying upon the provinces and the territories to administer this Act on our behalf. Something which has been encouraged and developed during the past four years of this present administration is that when we are expecting the provinces to administer an Act then it is only reasonable to consult with them.