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**Official Report  
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(Hansard)**

**Journal  
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**Lundi 15 mai 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 15 May 2000

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 15 mai 2000

*The House met at 1845.*

ORDERS OF THE DAY

YOUNG OFFENDERS

**Hon Frank Klees (Minister without Portfolio):** I move that the Legislative Assembly of the province of Ontario,

(a) condemns the weakness of the current federal Young Offenders Act, and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions;

(b) rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens, but merely repackage the flawed, weak Young Offenders Act under a new name;

(c) further rejects any proposed amendments to Bill C-3 that would weaken and soften legislation that is already inadequate;

(d) particularly condemns the federal government's attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders;

(e) believes the 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and

(f) believes that young people convicted of violent, adult-type crimes should be subject to adult-length sentences.

My colleagues who will be speaking to this bill this evening are the member for Cambridge, the member for Northumberland, the member from Ottawa West-Nepean and the member from Scarborough Centre.

**Mr Gerry Martiniuk (Cambridge):** Premier Harris established the Crime Control Commission in 1997 with a clear goal: to listen to Ontarians and find new ways to improve public safety.

So far the response has been overwhelming. The commission has participated in over 75 public forums and events across Ontario. I can truly say that the people of this province have opened their hearts to us. People have told us in town hall meetings from Chatham to Ottawa to Sault Ste Marie that they feel violated by the threat of crime. They have shared stories and personal experiences. They have let us into their lives to tell us of their fears, hopes and frustrations. People have shared their feelings of powerlessness and their frustration.

Many do not see a theft or a break-in as a minor irritant or just a call to their insurance agent. For many people, it alters their lives forever. People have told us they are sick and tired of being ignored, being powerless in the justice system. They believe that for too long the criminal has been treated far too leniently, too softly, by the courts. They believe that the Young Offenders Act is a slap on the wrist for sometimes very violent criminals. They want it changed, and they want it changed now.

People have told us they do not feel safe in their homes, their schools and their neighbourhoods. They have told us, time and time again, that they don't want to feel intimidated going shopping or walking in the park. We hear words such as "an invasion of privacy" and "personal violation" from victims. People have gotten tired of the criminal being treated like the victim rather than the other way around. They don't want the criminal to make excuses of social misfortune; they want tougher sentences, innovative approaches and harsher sentences.

Many of us have adapted to the higher crime rate in numerous ways. It may be walking up the stairs in your apartment building when you hear a door opening, or a woman referring to herself as "Ms" rather than "Miss" to avoid being identified as living alone. Did your parents always lock the doors to the home, or did they always look in the back seat of your automobile before entering?

Our fears and anxieties are understandable. We are living with double the crime rates than our forefathers and our mothers and fathers, and violent crime among our youth, especially girls, has increased dramatically.

The public's concern is justified. Cold, hard statistics tell us that violent youth crime increased 77% between 1988 and 1998. The public doesn't need those numbers to see a major problem, however. People see crime affecting the way we work, live and attacking our quality of life.

The people of Ontario feel a real sense of urgency about this and our government shares it. For example, two years ago, the Ontario Crime Control Commission issued the Report on Youth Crime. This report has led to real changes at the provincial level. The Safe Schools Act is being implemented. We passed the Safe Streets Act and the Community Safety Act and we've introduced the Parental Responsibility Act.

Budget 2000 committed \$3 million to increase the number of youth justice committee pilot projects from six to 18. These are committees in which community members meet with young offenders charged with minor crimes. These committees are tribunals of respected

members of the community who determine appropriate punishment and method of restitution for victims of first time, non-violent young offenders who admit their guilt. We are expanding this pilot project because it provides tough immediate responses to offences and is successful in reducing the rate of reoffending.

Unfortunately, while we share the public's urgency about youth crime, the federal government does not. Not only that, they don't even want to hear about it. The federal standing committee on justice and human rights is currently considering the Youth Criminal Justice Act, the so-called replacement to the Young Offenders Act. The committee refused to hear from me and my colleagues the Solicitor General and the Minister of Correctional Services. The committee also refused to hear from my co-chair on the Ontario Crime Control Commission, Frank Mazzilli, and myself.

In denying us a voice, they denied the people of Ontario a voice. They did not want to hear why we think the proposed act is weak legislation and how it could be improved. Instead, I understand that a number of amendments to the Youth Criminal Justice Act are being proposed in response to Quebec's concerns. Don't expect these proposed changes to improve the act. As hard as it is to believe, they could soften the language of the legislation and make it even weaker.

As it now reads, the federal bill will not increase jail sentences; will not automatically try 16- and 17-year-olds as adults when they have committed serious crimes; will not require mandatory time for youths convicted of offences involving weapons; will not lower the minimum age for prosecution to 10; will not allow authorities to automatically publicize the names of violent and/or serious young offenders and all repeat young offenders who have been sentenced under the proposed act; will not change the rules of admissibility of statements so that they are the same for young offenders as they are for adult offenders; and will not guarantee that youths convicted of serious crimes, such as murder, will serve adult sentences.

The crown will still have the onus in most cases to have serious violent offenders sentenced as adults.

The proposed Youth Criminal Justice Act does not make young criminals truly accountable for their crimes. Adult crimes deserve adult time. I say this because I know that 16- and 17-year-olds are quite capable of committing adult crimes and also are quite capable of knowing the consequences of their actions. However, under the proposed act, as under the current law, they will know that they can be convicted of a crime and still not feel the full legal consequences that an adult would. The result is a climate in which there is a constant potential for violence with very little deterrence.

Just look at our schools. Recently, we have seen threatening graffiti in a high school, stabbings in another high school, while several other schools have seen fights between gangs, threats on teachers and so on. The effects of these acts ripple outwards, destroying the environment for learning and working. They make the parents fearful

for the safety of their children. While some of these incidents can be attributed to youth who are disturbed and deserve medical and psychological help, many of the incidents are solely criminal acts. Why are we so adamant about the lack of consequences under the proposed Youth Criminal Justice Act? When youths are charged with an offence, it gives society a chance to deal with them effectively. It gives us a chance to intervene in their lives before the patterns of antisocial behaviour are further ingrained. It gives us the opportunity as a society to send the right signals to other young people that their actions have consequences and they must take responsibility for their own lives.

Our government established strict discipline facilities, the so-called boot camps, which are turning lives around and putting serious young offenders back on track. These young people don't get their wrists slapped; they get structure in their lives. For some, this may be the first time they've lived in a disciplined environment where they eat regular meals, exercise and can focus on their school work. Our government has set up these facilities because we know the only way we can end the threat of violent youth crime is to raise a generation of young people who have respect for themselves, their families, their communities and for the laws that govern us all.

I don't kid myself into believing any single piece of legislation can do all that. Setting children on the right path is a job for everyone. Even adults who are not parents can help through leading by example. But the law sets the rules that we live by; it reminds us that in order for a society to function and for people to thrive we must respect the law.

Unfortunately, a badly written law demands no respect. Even children instinctively know that. Young people do not give the current Young Offenders Act enough respect. I don't see how anyone will respect the proposed Youth Criminal Justice Act. Obviously, Ottawa just does not get it. Fortunately, the proposed act hasn't passed yet. While there is still a chance that Ottawa will listen, Ontario must continue to speak up. That's why I urge the members to support the resolution before us:

That the Legislative Assembly of the province of Ontario:

(a) condemns the weakness of the current federal Young Offenders Act, and urges that it be scrapped and replaced with a tough new law that holds young criminals accountable for their actions;

(b) rejects the changes proposed by federal Bill C-3 because they do not go far enough to address the concerns of law-abiding citizens, but merely repackage the flawed, weak Young Offenders Act under a new name;

(c) further rejects any proposed amendments to Bill C-3 that would weaken and soften legislation that is already inadequate;

(d) particularly condemns the federal government's attempt, through its legislation, to shorten some jail sentences for crimes committed by young offenders;

(e) believes the 16- and 17-year-old persons charged with serious, adult-type offences should automatically be tried as adults; and

(f) believes that young people convicted of violent, adult-type crimes should be subject to adult-length sentences.

I urge all members to speak on behalf of their constituents in this province by supporting this resolution. Let Ottawa hear that the people of Ontario want strong and safe communities.

**1900**

**Mr Doug Galt (Northumberland):** I'm pleased to be able to speak on behalf of this resolution. Basically, we're talking about accountability of our young people, accountability of our families but, more particularly, accountability of the federal government and our justice system. Actually, when I say I'm pleased to speak on it, I'm really not, because it shouldn't be necessary to have this resolution before the House. If the federal government, when it comes to crime, particularly youth crime, would just pay attention to the people of Canada, particularly the people of Ontario, this would not be going on.

What's going on here is really a simple name change that they're going through. I chatted with our local member, the Honourable Christine Stewart, about this particular bill, and by the time she got finished talking about how wonderful it was, I almost believed her until I started looking further into it and checking on its contents. I now realize there's really not much here other than a name change.

It's a very serious topic, one which we should take very seriously. It's unfortunate that the federal Liberal government is not taking it seriously. They refuse to listen to the people, particularly of Ontario. I can't really speak for outside of Ontario, but from what I'm hearing in my community there is no question people want stronger penalties. They want youth, particularly the 16- and 17-year-olds, tried in adult courts with adult penalties for serious crimes, crimes with weapons.

There is no argument about the increase in crime, some 77% increase in 1998 over 1988. That comes from the Canadian Centre for Justice Statistics. That is the federal report, so obviously it is there and we should pay attention to it. Also, some 43% of our young people who commit serious crimes recommit. That's a pretty big figure. You get the feeling that maybe what's been going on while they've been in a corrections facility has been a training centre for them so they can come out and try something bigger and better, and it really didn't work for them.

There is just no question you can conclude that the Young Offenders Act is indeed a disgrace, and it is not protecting Canadians. It mentions the name change, and not a very significant name change either. That's about as far as we're going. So we're really calling on the federal government to make some drastic changes to the old Young Offenders Act, or what's still in place.

I think it's interesting to note all of the offers that have been made from Ontario to go and present to the com-

mittee, and they've rejected them all. The Solicitor General has offered to go down from Ontario, the Attorney General, the Minister of Correctional Services. You would think they'd be interested in hearing from one of these justice ministers, but no, they don't seem to be. The Ontario crime commission has also offered to go and speak, and again they've been rejected. We hear the opposition talking about arrogance, but this to me is arrogance, when they refuse to listen to people who are very significant in the whole area of crime, the whole area of justice. They're not interested in hearing what the people of Ontario have to say. All I can conclude from that is that they are soft on crime.

As we move along, as we change this act, the old Young Offenders Act, to the Youth Criminal Justice Act, it's a just a change in name and not very much else. As mentioned earlier, as crime increases in Ontario and across Canada, the old Young Offenders Act just isn't working. Young people know it's not working because they know the consequences and they're prepared to take a chance. As a matter of fact, the older criminals, in their early twenties, are the ones who send the 16- and 17-year-olds out, because: "Oh, well, you're not going to get much of a penalty. You may get a slap on the wrist if you get caught, and on you'll go." They just see this as a joke.

Let me give you an example, one that bothered me quite a bit. I believe it was in June 1999. Jonathan Wamback, a 15-year-old young man, was severely beaten by a group of teenagers. His skull was fractured, many blood vessels were severed and he was left in a coma that he remained in for some months. I understand that recently he has come out of that coma to some extent. I applaud that fact, and I applaud him and his family for the strength they have shown through this horrendous ordeal. But I am rather saddened and I am left asking how this could happen in a country as wonderful as Canada. How unfortunate. These people are not going to be tried in adult court. At most, they'll likely get a gentle slap on the wrist rather than a firm one. I'm left with a nauseous feeling just thinking about this young man suffering in the gutter after being kicked by people such as this. Then there's no justice afterwards, and that is the most unfortunate part.

This act, as I go on through it, does not guarantee that youth who are convicted of murder, aggravated assault, manslaughter or attempted murder would be sentenced as adults. Even if they use weapons, it still makes no difference. The public just doesn't understand this. The changes proposed in the Youth Criminal Justice Act are simply and unquestionably unacceptable.

This resolution sends a simple message to Ottawa that our government condemns you for being soft on crime. It's time to turn another leaf. It's time to change your attitude about being soft on crime.

There is no question about what has been going on, particularly since the last election, with the law-and-order agenda the province of Ontario has been carrying out. Certainly we are concerned about the safety of the province and want to make our communities safe places

to work, live and raise a family. Since the last election, we have taken many steps I am very proud of to ensure that people live in a safe province and in safe communities. But there is one missing piece of the puzzle, and that is the fact that the federal government does not want to bring in meaningful reform to the Young Offenders Act. Tragically, we must depend on the federal government in this area, but it is a government that is soft on crime and is just not prepared to put in that missing piece in the puzzle.

We have a top priority in our government on fighting crime, and it certainly seems to be working. The Attorney General has issued a directive that conditional sentences should not be sought for violent crimes. We have introduced the Parental Responsibility Act so that when there is damage to property, the parents may be responsible for up to \$6,000 in damage. We have brought in Christopher's Law, which will create a sex offender registry here in Ontario. We brought in the Safe Streets Act to overcome some of the problems we have with aggressive panhandling. We have passed a bill to make penalties more severe for those who try to flee the police. We have doubled the number of domestic violence courts in the province. So we are committed to looking after the province and making sure it is a safe province and that we have safe communities. We think it is time the federal government was also committed to protecting Ontarians from violent criminals.

We have heard an awful lot from the federal government and the Minister of Justice on their opinions, but it really doesn't fly. It is time the feds woke up, did something about the Young Offenders Act and quit being soft on crime.

#### 1910

Not only do we have an excellent track record; many things also came out in the last budget that indicate the future direction of this government and where we are going with looking after our communities and ensuring they are indeed safe. For example, money has been set aside to hire another 165 probation and parole officers. We've come up with three specialized OPP policing teams for some \$6 million a year: an electronic crime squad, a seniors' assistance squad, and a special safety team that will look after our snow trails and our waterways. We're increasing our funding for community policing partnerships, making that a permanent fund and increasing it by \$5 million to an annual total of \$35 million.

We're looking at improving the justice sector technology by setting aside in the budget some \$6 million, and also \$4 million for an organized crime joint force. That is the main purpose, organized crime, and to make sure that people who commit crimes don't end up in a position to get a profit from it.

There is also the youth justice committee pilot, increasing that from six sites to some 18 sites over the next two years.

There is \$1 million being invested so that we have a permanent office for victims of crime. That was a bill we

passed some time ago that will ensure there is a permanent office to look after those victims.

You will remember that back in 1999 we doubled the number of domestic violence courts. I mentioned that a few minutes ago. Now we're moving from some 16 to 24.

I see this as a very important resolution. It's unfortunate that it's necessary for our government to bring it in to try to lobby the federal government to do what's right, but obviously they are soft on crime. I guess that's sort of a Liberal thing, to be soft on crime, not worried about the victims, not worried about our seniors, not worried about people who are going to be on the snow trails or waterways. They're worried about looking after those who have committed an offence rather than looking after the victims. I just hope that for once the federal government will listen when this resolution is sent to them and will see what's going on in this Legislature and have a better understanding of the feeling of the people in the province of Ontario.

I can very enthusiastically support this resolution.

**Mr Garry J. Guzzo (Ottawa West-Nepean):** My thanks to the member for London West for allowing me his time tonight to address this issue. I welcome the opportunity and I thank the Attorney General for taking the initiative and bringing the matter before the House.

I wish to address this from a little different point of view. As you know, I spent 11 years on the provincial bench, between 1978 and 1989, and a large percentage of my time on the bench was in family court, in youth court and in juvenile court. I hate to admit it but, yes, I'm old enough to have served at a time prior to the Young Offenders Act. I think for the first three or four years on the bench I worked under the Juvenile Delinquents Act, that legislation. It wasn't until 1982 or 1983, I believe, that the Trudeau government introduced and passed the YOA.

It's clear, and it should be clear to anybody who looks back at the historical background, that the YOA was a giant step forward. It was a giant step in the right direction. There were many problems under the old act, and the major problem for the federal government of the day was that the Juvenile Delinquents Act could not survive the Charter of Rights. There was too much scope in that act, and too much leeway for judges.

In 1982 and 1983, I believe, the justice committee of the federal House received many submissions with regard to their draft act. The attorneys general and solicitors general of a number of provinces made submissions, and it's shocking today that our government—our Attorney General, our Solicitor General—is denied the right to address that same committee. Back then, some provinces and territorial governments represented less than 70,000 citizens, and they were heard. Today, our representatives would go there speaking for over 11 million, the population here in Ontario, and they're denied access. Why? Maybe there's a preconceived conclusion already that has been reached by the government. Maybe the arguments

that have been put forward time and time again from this government are not all that well respected.

But look back at the time prior to 1982-83 and the old Juvenile Delinquents Act. Youngsters over seven years of age appeared in criminal court under the JDA. The powers of the judge at that time under the JDA overlapped tremendously with those of the jurisdiction of the judge in the child welfare court. Most, but not all, youngsters between seven and 12 were dealt with by reference to the Child Welfare Act of the day. However, youngsters as young as seven or eight years of age were sent off to training school in Ontario under that former legislation. I don't think I have to remind you of the apology delivered a few months ago in this House by the Attorney General to some of the people who were sentenced to those training schools.

Indeed, as a youth growing up in the 1940s and 1950s in central Ottawa, I remember the sight of some who had run away from or had been returned from the training schools. I remember youngsters in the playground, bruised from rear to ear with welts the size of footballs on their backs, and the stories they told sounded as though they were originating from a foreign country, not 30 miles down the road at Alfred, Ontario. So the gigantic step forward was much appreciated by the bench and by the bar, but most of all by the public and by the youths who would fall out of line with the law and appear in the YOA court.

But there's no question that that act did not go far enough. I remember excellent submissions being made to the justice committee of the Parliament of the day. The JDA had not been amended, as I recollect, for over 75 years. Not since prior to the First World War had the Juvenile Delinquents Act even been looked at by the Parliament of Canada. I believe that to be true, and if there had been alterations, they were minor in nature, minor amendments.

The provincial judges association, of which I was a part, made submissions that year to the federal committee. I remember I voted against it. I felt it was improper for judges to appear and argue issues which they would be asked to adjudicate upon in months to come. I remember arguing very strongly that there was something improper, unconstitutional, about doing it. But, given a second chance, I would adopt a different position today. I hate to admit it to people like Judge Michel and Judge Bean; Judge Kirkland; Judge Hamlyn, now Mr Justice Hamlyn of the Tax Court; Judge Rosie Abella, now Madam Justice Abella of the Court of Appeal of Ontario; and Judge Budgell, down in that Thorold-Welland area, but they were correct. That's the only time I recall being wrong and they were right, but I can tell you they were correct when they took that position.

There was one major issue that bothered me and I think bothered a number of people at the time, and that was the issue of the age: Would it be 16 or 18 years? Under the Juvenile Delinquents Act there was an option. A province or a territory could opt for the age they would deal with under that act. Ontario and eight other

provinces had opted for 16, and one of the two territories had opted for 16, leaving one province and one territory dealing with youngsters up to the age of 18 years. I don't have to tell you which province went to 18 in the 75 years leading up to 1982. It wasn't Manitoba and it wasn't British Columbia and it certainly wasn't PEI.

It was the province of Quebec. We had another classic example of the tail wagging the dog. For those of us who have practised law for a number of years in Ottawa and along the border, we saw first-hand the results of that province struggling with 16- and 17-year-olds in a juvenile court under juvenile legislation. There was no possibility that it would be better—it would be a little more expensive, but there was no possibility that it would be better—to deal with these people in the manner in which the Quebec government was dealing with them, up to the age of 18 years.

#### 1920

When I think back to my days as a practising attorney, the criminal courts in the province of Quebec were clogged with professional situations that involved youngsters of 16 and 17 years of age. The heists were organized by the pros, but they'd have a youngster at their disposal, entering into the building, breaking into the home, being the one whose fingerprints would be on the windows and on the doors and inside. If somebody got caught, it was the youngster, and they would be sentenced within the limitations of the Juvenile Delinquents Act. That is in fact what was copied in Ontario and elsewhere when the Young Offenders Act came in. We have professional organized crime today making use of youngsters, doing exactly the same thing.

There are a number of other issues with regard to the legislation presently before the House in Ottawa and the proposed amendments that have come forward. There is a tremendous amount of work to be done. Society has changed since 1982 or 1983 when that act was introduced. Indeed, society had changed tremendously between the passing of the Juvenile Delinquents Act and the passing of the YOA in that 75-year period.

For legislation to keep abreast of the changes in society, particularly today, with the breakdown of the family contributing so much to the element of criminality in the youngsters of today, we need a scope in the legislation that comes forward from that federal House that allows the professionals, the good professionals, the solid professionals, the police officers and the solid police organizations in this province, to come to grips with a problem that is quickly whirling out of control.

As I say, I commend the Attorney General of this province for his incessant and continued support to force and cause the federal government to come to grips with a problem that they don't seem to appreciate, at least to the same degree that the people we deal with here in Ontario do. I thank you very much for the time allotted.

**The Deputy Speaker (Mr Bert Johnson):** Further debate? The member for Scarborough—

**Ms Marilyn Mushinski (Scarborough Centre):** Scarborough Centre, Mr Speaker. Some call it the centre of the universe, which I would.

It gives me particular pleasure and privilege to follow the very articulate positions put forward by my colleagues the member for Cambridge-Northumberland and certainly the member for Ottawa West-Nepean. Based upon what they have said, I don't believe there is any doubt in anyone's mind, certainly not in the general public's mind, that the federal government absolutely refuses to get tough on crime, and youth crime in particular.

We've heard, of course, from the Attorney General and the concerns he has expressed with respect to the federal government's position on justice and on youth crime. Indeed, the federal standing committee on justice and human rights that is currently considering the Youth Criminal Justice Act, the so-called replacement for the Young Offenders Act, has actually refused to hear from the Attorney General and certainly our colleagues, the Solicitor General and the Minister of Correctional Services. The committee also refused to hear from the co-chairs of the Crime Control Commission. Let's not discount the tremendous role that the Crime Control Commission has played in terms of receiving feedback from our communities across this province. It's a well-known fact that violent youth crime increased by 77% between 1988 and 1998, and that has a tremendous impact on all of our communities across this province.

I have a particular concern because my own riding has been the centre of a lot of concern with respect to crime in general. In fact, I've even had the opportunity to write to my own MP, John Cannis, on this particular issue twice in the last six months. I have yet to even receive acknowledgement of either letter.

**Interjection:** Arrogance.

**Ms Mushinski:** I hear the word "arrogance." As a matter of fact, I used it on a radio talk show yesterday. I was shocked to learn that two convicted killers of a cop in my great city of Scarborough were allowed to serve their time together, this despite the fact that there had been a huge expression of outrage from communities at large and especially my community in Scarborough.

It was interesting to read, I believe it was in the Toronto Star, that the Correctional Service of Canada itself wasn't going to listen to the opinions of the public. It's very interesting to see how within a very short 48-hour period they changed their mind. Clearly the public, as it speaks, does have some influence, but whether or not it has influence on what is considered to be, by a lot of residents living in my riding of Scarborough Centre, an extremely elitist and arrogant attitude by the federal government, whether or not it has any impact with respect to the Young Offenders Act and the changes to it, remains to be seen. I have to admit that I don't hold a great deal of confidence, given the fact that I have yet to receive any kind of positive response from my own federal member.

The federal government will not even repeal the "faint hope" clause that lets convicted killers out of prison after serving only 15 years of a life sentence. The federal government refuses to repeal the discount law that lets criminals out of prison after serving only two thirds of their sentence. This means that people like Karla Homolka could be out on our streets some time next year.

The reason I raise this is because, as has been alluded to by the Attorney General, there's a definite feeling of futility on the part of the people of Ontario, who feel they really are being denied a voice at the federal level. They didn't want to hear why we think the proposed act is weak legislation and they didn't want to hear how we could improve it. Instead, my understanding from the Attorney General is that a number of amendments to the Youth Criminal Justice Act are being proposed in response to Quebec's concerns, but they don't expect these proposed changes to improve the act. As hard as it is to believe, they could actually soften the language of the legislation and make it even weaker.

The committee has refused to hear from my colleagues; the committee has refused to hear from the co-chairs of the Crime Control Commission. Is it any wonder that as they continue to turn—

**1930**

**The Deputy Speaker:** Order. I can't have anyone standing between me and the speaker.

**Ms Mushinski:** I've lost my train of thought now, Mr Speaker.

As I was saying about the proposed changes, it's interesting how the federal government, in receiving recommendations from provincial governments, actually softened the language of the legislation and made it even weaker. It was always my understanding that the reason they were going to revisit the Young Offenders Act was in direct response to the public outcry they had received across this wonderful nation of ours.

The Youth Criminal Justice Act fails for a number of reasons. First of all, it will not increase jail sentences—not that they were ever meted out by the justice system anyway; it will not automatically try 16- and 17-year-olds as adults; it will not require mandatory jail time for offences involving weapons; it will not allow authorities to publish the names of serious and repeat offenders; and it does not guarantee that youth convicted of serious crimes, such as murder, will serve adult sentences.

I believe, quite consistently with the Mike Harris government, that adult crimes deserve adult time. There's no question—certainly I heard it at the door time and time again during an election campaign last year—that we are dealing with a serious crime problem in our communities. We are doing something about it. We're implementing the Safe Schools Act that was initiated in the last term by my great colleague from Scarborough Southwest, now the Minister of the Environment, Mr Newman. The recently announced code of conduct will help to instill respect and responsibility in our children, and this is a theme I have heard time and time again as I have embarked on a series of community advisory



councils in my own riding. We have created strict discipline facilities for our youth offenders. So many people I speak to in my riding say, "It's about time."

The 2000 budget has committed \$3 million to increase the number of youth justice committee pilot projects, some of which are actually implemented in my own riding. We created the Safe Streets Act to deal with aggressive panhandling and other threatening behaviour. In fact, nothing gives me greater pleasure now than to be able to feel reasonably safe driving and walking in the streets of downtown Toronto since we enacted that particular bill. I can't begin to tell you the number of times I personally felt very threatened by aggressive panhandling and other threatening behaviour before the enactment of that bill.

We've created the Parental Responsibility Act to make parents more responsible for damage that is intentionally done by their children, and we've established permanent funding for the community policing partnership program to put more front-line officers on our streets. In fact, I was very proud to be able to present Toronto Chief Julian Fantino with over \$1 million for new officers under this program, and I understand that more is to come, which again reiterates our support for improved and enhanced policing in our cities.

The number of applicants being granted parole has fallen from almost 60% in 1993, when the NDP were in power, to approximately one third in 1999. That was yet another issue that was consistently raised as we took our Common Sense Revolution and our Blueprint to the people.

We have created a Victims' Bill of Rights. I keep hearing time and time again that the justice system has become a system that serves the needs of criminals at the expense of victims. This is yet another example of how we believe as a government that it is time to protect the rights of victims and individuals in our communities.

We've established a fund to help the families of murder victims pay the costs associated with attending parole hearings for killers applying under the federal government's faint hope clause. Unless and until the federal government recognizes that all of us must do our part to ensure that Ontarians feel safe in their neighbourhoods, on their streets and in their homes, everything we do at the provincial level will not help, because it is a known fact that the Criminal Code clearly falls under the jurisdiction of the federal government.

Another initiative we have done is expand the number of domestic violence courts. I must say how proud I am that one such court will be established in Scarborough.

There is no question that acts of violence in our province create a ripple effect outwards that destroys the environment for learning and working. They make parents fearful for the safety of their children. While we know that some of these incidents can be attributed to youth who are disturbed and who truly deserve medical and psychological help, we believe that many of these incidents are solely criminal acts.

I will close by asking that this Legislature support the motion by the Attorney General. I urge all members to speak on behalf of their constituents by supporting this resolution. It's time that Ottawa heard that the people of Ontario want strong and safe communities.

**Mr Michael Bryant (St Paul's):** I will be sharing my time judiciously with Mr Conway, the member from Renfrew; Mr Parsons, the member from Prince Edward-Hastings; and the member from Sudbury.

To begin with I want you to know that I had hoped to be, on behalf of the residents of St Paul's, at the Rathnelly Area Residents Association meeting. I raise this because it's relevant to this debate in this way: I said, "We're debating this motion. I'm going to be tabling amendments and we're going to be debating those amendments." One of the residents I spoke with said, "What's the resolution?" I explained that the provincial government was tabling a resolution castigating the federal government, and this person said, I thought quite commonsensically: "What for? Why would you spend time in the provincial Legislature whining?"—in this person's word—"about what's happening in the federal Legislature? Why don't they just go and run federally, and/or why don't they make relevant changes to deal with youth justice at the provincial level?" I said, "I agree."

**1940**

So it is with regret that I could not be at that meeting, but at least we can table amendments to try to focus the debate on something that is relevant to a provincial Legislature.

I have left a copy of the amendment with the clerk's table, and I'll now read it into the record.

I move the following motion:

That the Attorney General's resolution be amended by deleting parts (a), (b), (c), (d), (e) and (f) and substituting the following sections:

(a) condemns the Harris government for its jurisdictional deflection, grandstanding and complete failure to accept responsibility for youth crime in the province of Ontario;

(b) regrets the posturing of this government as to the Young Offenders Act and urges review of its own prosecution record of transferring youth to adult court only nine times in 1998, compared to 23 such transfers in each of Manitoba and Quebec;

(c) urges the Harris government to improve their dismal record on crime prevention;

(d) demands the Harris government take action to halt Ontario's gun epidemic, which is fuelling much of youth crime, by supporting the official opposition's numerous private members' bills seeking to restore the safety of Ontario's streets; and

(e) resolves that it is time for all governments to stop fighting over crime and start fighting crime itself.

Let me begin—

**The Deputy Speaker:** No, I begin.

Mr Bryant moves the following motion:

That the Attorney General's resolution be amended by deleting parts (a), (b), (c), (d), (e) and (f) and substituting the following sections:

(a) condemns the Harris government for its jurisdictional deflection, grandstanding and complete failure to accept responsibility for youth crime in the province of Ontario;

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(c) urges the Harris government to improve their dismal record on crime prevention;

(d) demands the Harris government take action to halt Ontario's gun epidemic, which is fuelling much of youth crime, by supporting the official opposition's numerous private members' bills seeking to restore the safety of Ontario's streets; and

(e) resolves that it is time for all governments to stop fighting over crime and start fighting crime itself.

The debate will be on the amendment.

**Mr Bryant:** We have already heard, to some extent, the history of the Young Offenders Act and the Juvenile Delinquents Act, and it seems very odd to be discussing that matter in this Legislature when we have no jurisdiction over that piece of legislation. Perhaps we could talk about what this Legislature could be doing instead.

Let's begin with legislative jurisdiction, which has become the subject of this debate. I say, with all due respect, it is now self-evident that the Attorney General, who tabled this resolution, has absolutely no mandate. Where is this government's mandate on crime?

Let's start chronologically and look at the first law-and-order bill tabled by the Attorney General. We all know the infamous squeegee bill. The Attorney General introduced a squeegee bill which has how much effect on the city of Toronto, in terms of the squeegee population? Nil. It's a bill that has had no effect whatsoever on this province other than this: It has ended the ability of charities in small urban and rural communities to fund-raise, as we predicted it would.

Don't believe me. Believe the head of the Cystic Fibrosis Foundation. Believe the people who received an opinion from municipal lawyers that there's no way that a bylaw or permit could be provided by the municipality, because soliciting for money at street corners is clearly a violation of the squeegee bill. I wish it weren't so. We said it would be so. Yet what did we have in committee? I think we had all of less than an hour to debate the bill. In fact, we found there was no interest whatsoever. We told this House time and again that these charities were going to be hurt as a result.

Instead, what we find is denial on the side of the government at the same time as these charities have to go out and find another way to raise hundreds of thousands of dollars. For what reason? Because this government was trying to look tough on crime. If there is one theme that runs throughout the justice policy as per the current

Attorney General and the current government, it is: "Let's talk about crime. Let's deflect. Let's distract. But for goodness sake let's not do anything about crime."

The honourable minister mentioned the member from Eglinton-Lawrence. It's interesting, because the squeegee bill was dreamt up under a previous mandate. I've said it once and I'll say it again in this House that the member from Eglinton-Lawrence, the member from St Paul's and all people who take seriously the rising incivility in our streets—and we do take it seriously—would have legislative changes brought in that would take those who obviously need to be led towards more productive lives and do that.

But what this bill does is two things. First, it has the pernicious effect of turning today's squeegee kid into tomorrow's crowbar and crackhead. That is hardly going to help crime in Ontario. The second thing it does is put people into the revolving door of criminal justice. Notwithstanding efforts to try to make them accountable, no justice of the peace is going to sentence somebody to jail for putting a squeegee to the windshield, and this government knows that is the case.

So I ask again, what is the mandate of this government when it comes to crime? The answer, the first salvo, the first effort on behalf of this government to show it was serious about crime was this silly, useless squeegee bill, which has had absolutely no effect whatsoever on the safety of our streets.

Next the honourable Attorney General introduced the Parental Responsibility Act. We didn't even have to wonder whether or not this act was going to work. We just had to look to another province, Manitoba, where the act had absolutely no effect whatsoever. If anything, it gave defence lawyers some extra excuses to use on behalf of those in opposition to victims. So that is no help at all, and we knew it wouldn't be any help.

Again, that is this government's response when faced with the issue of crime, the rise of crime and concerns about youth crime that the member from Scarborough Centre alluded to. They throw up the hot button, hope the talk shows will pick it up and that it goes across the circuit of the province and that people will think that just talking about crime means doing something about crime. But I'm telling you that the people of Ontario aren't being fooled. Ask them, "What are they doing?" and they all agree that the squeegee bill was a bust. The Parental Responsibility Act, like the squeegee bill, was rammed through in a time allocation motion. Why? Because it was a bust, and we in the official opposition had no opportunity whatsoever to table amendments.

Then, in the midst of the Parental Responsibility Act, this government hoist itself on its own petard by saying: "In the face of taking youth crime seriously, we're going to say that if you do something which vandalizes a house"—not something that causes personal injury, because that isn't covered under the act—"if you do anything that leads to a property offence taking place"—again, not under the Criminal Code but purely civilly—"then you are not responsible for it. Your parents are

responsible for it, and we the government are not even going to bother taking these parents to court on behalf of victims. We're going to leave it up to the victims to do it."

**1950**

Yet again this government, when faced with an issue of youth crime, turned the whole assumption on its head and, instead of saying that youth ought to be held responsible for their actions, said, "Their parents should have to pay for that, but we're not going to help the victims of crime in this instance."

Then what is the next salvo to come from this government, thus far, that has become the subject of debate in this House and otherwise? It has been a private member's bill. It's interesting that when you look to the mandate of this government with respect to crime, you can't point to a crime bill. I hope they don't hold up the squeegee bill as their trophy or the Parental Responsibility Act as their flagship. Instead, it's a private member's bill. The member for Scarborough Centre's private member's bill is getting a lot of attention across this province. Yet this very bill will grind the criminal justice system to a halt. Everybody should know this on the government side of the House; we know and heard it today from those who will bring those motions. Every defence lawyer worth his or her salt is going to bring a motion to have a stay of proceedings because the judge they are before is being interfered with by the government and therefore there's a reasonable apprehension of bias and there's a violation of section 11(d) of the charter. Again, don't take my word for it. Take the word of Clayton Ruby, who was saying it and will do it.

The whole criminal justice system grinds to a halt waiting for this particular bill to be struck down, and what's the response? It means that for many of those who otherwise would have been convicted, the charge is stayed and off they go; they walk the streets. So the next great contribution of this government to crime is not only to move the squeegee kid to the crowbar and crackhead but to move those who otherwise would perhaps have been convicted—we'll never know—on to the streets, saved by this abomination, the Judicial Accountability Act.

In the midst of that, what is this government doing about the important issue of child prostitution? There's a youth issue that I know the member for Sudbury will be speaking to at some point. Do they support the Bartolucci bill? Do we have any movement on the Bartolucci bill coming forward? It passed second reading but, to be fair, it has passed second reading before. If this government is serious about child prostitution, as I know we'll hear from the member for Sudbury, then they should be supporting this bill and moving it along. It seems that the serious initiatives about the safety of our streets, frankly, are only coming from the Ontario Liberal Party.

Would you like another example? I'll give you another example. Today there was discussion of the rave bill being introduced by the deputy leader of the opposition.

What is this government doing about raves? They're talking about it.

**Mr George Smitherman (Toronto Centre-Rosedale):** They've got a backdrop.

**Mr Bryant:** They do have a great backdrop, but are they in fact legislating in this area? No, they're not.

With respect to the gun epidemic, we know that one out of three accidents causing death involves a gun; one out of three suicides involves a firearm in Ontario; one out of five homicides involves a firearm. We rank sixth in the world in terms of firearm-related deaths of children, if you want to talk about the youth of our province—in the world we rank sixth. So what are we doing about the gun epidemic? We know this government's record on the gun epidemic is miserable. This is a government that put guns in the hands of 12-year-olds. This is the government that has a member who shills for the National Rifle Association and members who shill for the gun lobby. This is the government that joined the gun lobby in opposition to the chiefs of police, in opposition to police associations, in opposition to victims groups, in opposition to Priscilla de Villiers, the head of CAVEAT.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** Let's ask Priscilla what she thinks.

**Mr Bryant:** The minister says, "Let's ask Priscilla." The media has asked Ms de Villiers, the candidate for Hamilton-Wentworth. You'll note that I remembered the riding she's running in, unlike the Honourable Premier, who forgot it the other day in this House. Ask Ms de Villiers what her position is on gun control, and she will say that she is opposed to what this government is doing on gun control. I say to the people of Hamilton-Wentworth, do not expect Ms de Villiers to have any sway with this government when it comes to doing anything serious about crime. The candidate will walk up to the table and she'll express her views, and this government will say the same thing to her as they say to all victims' groups, including her own when this Attorney General had his lawyers, at the cost of hundreds of thousands of dollars, appear before the Supreme Court of Canada on the federal gun control legislation to shoot down the existing gun control legislation, again in opposition to and in the face of what the police and victims wanted. So, two great contributions by this government with respect to guns.

There's more. This is the government that permitted how-to-shoot manuals to go into our schools—a proud moment—to deal with the gun epidemic currently plaguing this province.

What is the government's record on crime prevention? There is, for instance, in the riding of St Paul's an organization called Youth Assisting Youth. They've been extremely effective in finding mentors and attaching them to troubled kids, helping those kids before they get involved in the criminal justice system, keeping them out of trouble and out of abusive households and into relationships and friendships. There's a solution, but there's a waiting list for Youth Assisting Youth of over

300 troubled youth. There's a waiting list because they aren't getting the appropriate investment from governments, I say in the plural. It's very important that we not play the game of deflection and distraction here in the Ontario Liberal Party. We're here to say that we're serious about the safety of our streets. We want to improve the safety of our streets because our vision of Ontario involves safe neighbourhoods.

To do that, you need to legislate, but this resolution isn't legislating. This resolution is not going to save one child's life. This resolution is not going to take one child who would otherwise head towards a life of crime and put them on the path of a more productive life. This resolution isn't going to take a single gun out of the hands of somebody in whose hands it ought not to be. This resolution is going to do absolutely nothing in terms of contributing to the safety of our streets. Instead, the hope is that the government can blame parents of wayward kids, squeegee kids, for all crime. Now they want to blame judges and, in addition, they want to blame the federal government.

I say this: The Attorney General of Ontario, 85% of the time when he stands up in this House, or in a press release, talks about other politicians. Where's the mandate of this government on crime? Everything is either borrowed from a previous throne speech of the late 1990s or it's just reannouncement after reannouncement or it's this resolution. The height of the resolution itself is hypocrisy—and I'm not referring to any member when I say that—the height of deflection and distraction.

The Ontario Liberal Party believes in justice being all those bonds that we have in our community to keep our community safe: responsibility to others and responsibility by the state to individuals and by individuals to others. It's all about social responsibility, and this resolution will not do a whit about crime and youth crime in this province or in this country.

**2000**

**Mr Ernie Parsons (Prince Edward-Hastings):** I'm pleased to speak to this resolution. I have had an interest in the betterment of youth over the years and I can think of the time I've spent: 24 years on the children's aid board dealing with youth who have problems, not necessarily problem youth but youth with problems; on the school board in dealing with young people's difficulties in schools; teaching in college; and my wife and I fostering. I think it's fair to say that I've had a fair amount of interaction with youth.

The dialogue from the government side, since I've come to this Legislature, has been to focus on crime and bad kids. I think we need to differentiate between kids who are bad and kids who are behaving badly. There are all kinds of kids. But I don't think we should focus on just the kids who get in trouble, as we seem to be doing. There is no end of good young people in this province about whom I don't hear very much dialogue. Yesterday afternoon I had the pleasure of attending the inspection for the air cadets in my riding, and followed that with a sea cadet band performing for the public: young people

who are most impressive, absolutely great young people doing betterment for their community.

There are a lot of kids who are having difficulties, who have problems in life and require support or even intervention by other groups; I'd like to talk about them more at length in a moment. But I also recognize that there are bad kids. There are kids we need to be concerned about, under the Young Offenders Act, to ensure the safety of others, and I accept that there needs to be facilities for them. We've heard said tonight that the boot camps have enabled these young people to turn their lives around. I don't think there have been any statistics yet that would give any credibility whatsoever to that statement. They are far too new and far too short a time in operation to have any indication that they work in Ontario. If we look at cases in the US, we would seriously question whether they work. But we certainly don't yet know whether they do work.

We seem to have a lot of money to focus on kids we believe are problem-makers, without recognizing that the best possible investment we can make in this province is in prevention. It has always struck me as a mix-up in priorities when the government talks about the money we spend on colleges and universities, which works out to about \$3,000 a year for a student in college, and yet we don't begrudge the money that it takes to lock people up. I have seen tremendous cuts in programs over the last five years that I believe would have kept young people out of the justice system.

The children's aid societies: The massive funding cuts that came in 1995 resulted in all prevention programs being cut. They focused strictly on children who were absolutely in need of protection. I can think back to before those cuts took place. We had a young lad in our home who had been voluntarily put into care by his parents. He was not perceived as being in need of protection but had been given to the CAS by consent and came to our home. The parents obviously felt they needed some help and assistance. This was a kid who came with the reputation of being a bad kid. He was the ripe old age of eight. In those eight years he had caused the school he attended to have to lock all the classrooms at noon. He was the reason, because of theft that was taking place within the classrooms, and was perceived by the community as being, for lack of a better word, a troublemaker.

He was with us for some months, and it became apparent that, yes, he was going into classrooms at noon because he hadn't had any food to eat that morning, no breakfast at home. Many days he hadn't had any food to eat at dinner the night before. He wasn't going through classrooms to steal items for fun. He was going through classrooms to survive, to try to find some food or something that could be negotiated or sold for food, for that very basic element in life that isn't a luxury and isn't an option. Not a bad kid, a kid the community now is very proud of. He turned his life around, not because he was ever a bad kid, but because circumstances and lack of money forced him into a certain role.

I watch at school boards, where this government cut all the funding for late buses. For someone in the 905 area, maybe that's not a big deal. But for people in rural areas, young people who want to participate in a sports activity, which I think does wonders to mould and shape and help a young person grow, or who want to take part in a debating club or any sort of organization, or who just want to have extra help at school, those buses are cut. I think that negatively influences young people.

I looked recently at all the young people in my community who take part in junior farmers or the 4-H Club and used to meet rent-free at the agricultural offices and use their boardrooms for their meetings to help to make them better youths. Those are no longer available.

If we were truly concerned about crime, I think we'd be concerned about the fact that there are fewer police now than there were in 1995. Police are needed not just to deal with the drug situation, and I recognize that is certainly an element in the problems young people can create. But even in schools where they have VIP programs, where the police officers come in and do some teaching with the teacher so that the students feel comfortable and have no fear of the police and view them as friends—police forces, with their reduced resources, are having to relinquish some of those operations. Where we had money in the past that was available for prevention, it has been funnelled away. We are seeing in Ontario some young people from desperately poor homes. And when you have nothing, you have nothing to lose. For those young people, unfortunately, a life of crime may become a little bit attractive.

I know there have been a number of high-profile cases where it was obvious to the public that there should be consideration to the young person being tried as an adult. But I would echo the comments of the member for St Paul's: When this government asked for a youth to be moved to adult court only nine times in the last year, obviously it's not as big an issue as it's purported to be.

I would like to talk about a particular group of young people, those born with fetal alcohol syndrome. This is a result of their birth mother consuming alcohol during the pregnancy. That wasn't even thought about 10 or 15 years ago. In fetal alcohol syndrome, which is the only preventable form of mental retardation, the centre of the brain does not form. The growth activity that should take place is slowed down by the alcohol. It means that these young people will have a very difficult life ahead of them. Why am I talking about fetal alcohol syndrome when we're talking about this crime bill? Because all criminal authorities recognize that approximately 40% of the people in our prisons in Canada have fetal alcohol syndrome. Their behaviour has been influenced by the presence of alcohol.

I have attended numerous meetings with parents of fetal alcohol syndrome children. Interestingly, 99% of the young people in Ontario who have fetal alcohol syndrome are in adoptive homes; they are not with their birth family. When I talk to these adoptive parents or parents, their number one concern is that their child not go to jail.

They view that their mission in life is to keep their child out of jail.

What does this government do to keep these young people out of jail and to support the parents? Nothing. There is no program dealing with it, there are no specialized group homes for them and there is no support for the parents, recognizing the 24-hour care that these people require. Many of them are extremely good kids, but because of an unfortunate action on the part of one of their parents, they cannot function on their own and independently. The number one placement for them is in our penal system. What a waste of resources. It is obvious that rather than the rhetoric of making our streets safe—I hear from police officers that instances of crime are down—rather than making our kids safe from people carrying squeegees, let's focus on providing the support so that our citizens don't go to jail but get the support they need to live in the community and contribute to the community.

2010

**Mr Rick Bartolucci (Sudbury):** I am privileged to be able to stand this evening and talk about the amendment my fellow member for St Paul's introduced in this debate this evening. I'd like to focus on the last subsection of his amendment, which says, "resolves that it is time for all governments to stop fighting over crime and start fighting crime itself." I'd like to frame my few remarks this evening in that context. Earlier we heard from the government members. They were slugging the government. I think that is probably the worst message you could send out to the people of Ontario, that this government we have in Ontario is more concerned with criticizing than actually doing something very positive.

I would suggest that this government does not have a lock on law-and-order issues. We just have to look at what the members of the Liberal opposition have introduced into this House over the course of the last few months to understand that indeed, if this government was wise and if they wanted a lock on law-and-order issues, they might want to spend time tonight debating Bill 67, the member from St Paul's bill, which deals with replica firearms.

I would suggest to you that the seizure last week of 3,200 potentially dangerous replicas involved in criminal situations which could cost a loss of life is something the police want you, as government, to be concerned about. The reality is, the Bryant bill, Bill 67, is a good bill. It certainly is a law-and-order bill. It is something we should be debating tonight, as opposed to debating a very partisan resolution which at the end of the day will make absolutely no difference at all.

Bill 67 was introduced by the Liberal member from St Paul's, Mr Bryant. He did it not for partisan reasons; he did it because he believed it was important that this become law and that in fact we have some type of legislation on the table with regard to replica firearms. I would consider that to be a law-and-order issue. It's certainly a bill that is worth passing, and it's worth passing immediately.

I'll go back to my own two private member's bills, which protect children and which will punish those adults who take advantage of children by coercing them to become sexually active by sexually exploiting or sexually abusing them through prostitution. That's Bill 6. It has received second reading and it has been referred to general government, and that's great. I'm happy about it and the people of Ontario are excited about it, but do you know what? They want this passed into law quickly. I would challenge the government to call this bill to general government immediately, debate it and pass it within the next three weeks. If you wanted to do that, you then might have people who have seen you over the course of the last year and a half playing political football with this bill, and they might understand that you really are serious about it.

Bill 6 is another bill introduced by a Liberal member. Bill 32 was also introduced by a Liberal member. It is going to punish those who would take advantage of or seek sexual services from minors while using their vehicle by suspending their driver's licence. I suggest to you this is a very real way to deter those people who would take advantage of young people through sexual exploitation and abuse. I would suggest to you it's a bill that the people of Ontario want, that certainly police officers want, that certainly social service agencies want. We have letters of support from all across Ontario, yet it awaits this government's call to committee. Again, if you're serious about your involvement in law and order, if you truly want to be the leaders in law and order in Canada—these are the types of private members' bills you have—take a big swallow and say: "Well, you know what? People on the other side of the House have good ideas, and we should enact these types of bills into law."

I'd like to spend some time this evening, if only I had an hour to speak, talking about some programs that are out there, programs we should be debating in this House, programs that should become a part of the law of Ontario. I look at the SKIPP program which is in place in Nova Scotia. It's an acronym for Stopping Kids Involvement in Prostitution and Pornography. It's an excellent program. It's in place. It's sponsored by the Garden of Missing Children Society, a non-profit charitable organization headed up by Linda Davis, who is its founder and its president. She's on an awareness campaign to try to change the direction of children's lives.

I suggest to the government members this evening that we would be better spending our time discussing and debating this type of program, or the program that's currently in place at St Benedict Catholic Secondary School sponsored by Mr Battigelli, Mr Visentin, Mr Currie and Mrs MacGregor. It's a three-part program. The first part of the program is conflict resolution, the second part is cultural awareness and cultural appreciation and the third part is raising the social justice issues within their school. By doing that, they hope to create greater harmony among the student body at the school but, more important, they want the program to leave the school and move out into the community so that

our communities will become better places for everyone to live and grow up in and be a part of. Those are the types of programs that are found all across Ontario, but we choose not to debate these issues or discuss these types of issues; we choose to spend time debating very partisan resolutions which fool absolutely no one.

I want to congratulate Teresa Stewart, the principal at St Benedict Catholic Secondary School, the teachers I mentioned, and also the 12 students who are leading this program called Partners in Peace. They are Jessica Atkinson, Marissa Fong, Natalie Gagne, Neil Sutton, Taylor Murphy, Andrea Rossanese, Teresa Oppedisano, Cory Maestrello, Jodi Fox, Sarah Moulaison, Tajana Centis and Adrian Muzzatti.

These people want a better society. They're getting a better society because they're being proactive. They're not being confrontational. They're not talking about partisan resolutions that at the end of the day will do nothing. They're doing something proactive. They urge this House, the founder of the SKIPP program urges this House, the member from St Paul's who introduced Bill 67 urges this House, the deputy leader, Mrs Pupatello, urges this House with the introduction of her private member's bill, and the member from Sudbury urges this House with the introduction of his private member's bill, to do something proactive as a government. Don't talk the talk. We want you to walk the walk and we will walk with you. If we have to lead you, that's fine, but we want you to walk the walk.

2020

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I'm pleased to join the debate tonight on the resolution standing in the name of the Attorney General and now amended by my colleague from St Paul's. I've listened with much interest to most of the presentations tonight.

I want to say in a special way that I particularly enjoyed the observations of Judge Guzzo, the member from Ottawa West-Nepean, who I think is alone in this Legislature in having had in his experience 11½ years on the bench. I quite frankly regret that the judge didn't have more time to reflect at even greater length about his experience in these matters, particularly his experience with the old juvenile court and later versions of that same court.

It is also clear from this debate that, as always, issues of crime and punishment continue to interest and divide men and women of goodwill and reason. A number of people here tonight have rightly observed that there continues to be a divide between the statistical reality which these days is in most jurisdictions in Canada and the United States, and I suspect in western Europe, although I'm not as sure. The reality seems to be, in Canada and the United States, generally speaking, society is much safer and the incidence of crime in almost all categories is declining. My colleague the member for St Paul's looks a bit quizzical. There is no question that there are examples—I think the incidence of violent crime among young people is going up. I was listening to

a program the other day and it was clearly indicated that young girls are showing some very worrisome tendencies to become more violent. But broadly speaking, the data suggest that overall crime statistics are more positive today than they were 10 and 20 years ago.

But the reality, particularly in suburban America and Canada, is that we live in ever-present danger. This impression is certainly fuelled by the popular media, which seem to report almost on a daily basis the latest grotesque and violent crime in a neighbourhood, it seems, not too far from where you are living. One just has to look at the television these days to be reminded of not just Columbine, which is an upscale suburb of Denver, Colorado, but Taber, in rural Alberta. I come from the Ottawa Valley and regrettably we have had in my rural part of eastern Ontario some very serious violent crime in the last number of years. I think it is fair to say that my community was certainly shocked by those examples.

We live in a society, frankly, where we have a popular culture that seems to celebrate violence. One just has to look at what is on television or what is in the local cinema. I was reminded the other day that the most popular program on cable television in America today is the World Wrestling Federation, which I would describe as a violent, pornographic carnival. I don't have kids, but if I did and they were watching that violent pornography, I would be pretty worried. I repeat: The celebrated WWF is apparently the most popular program on cable television in America today.

Has anybody really watched it? We all laugh. It's a big joke. I was talking to a school principal on the weekend and he said he had a very serious incident last week where some young kid, a grade 7 or 8 student, just shoved one of his colleagues headlong, face first into a glass divider. What was he doing? He was mimicking the wrestling circus.

I remember being in Boca Raton, Florida, a few years ago with some friends of mine, one of whom happened to be a judge and another a lawyer, and their wives. We were watching this popular movie called *Pulp Fiction*. We were a bunch of middle-aged fogies, and we were surprised at the number of young people around us in that theatre who thought this was the last word in high comedy, and the more gratuitous the face-blowing-off incident in the movie, the bigger the laugh.

I remember getting off a plane in Ottawa the next night—and some of you may remember this incident. An Anglican priest and his wife in their mid- to late 70s were brutally murdered in their home. I believe the accused, and in the end the convicted, were three youngsters, 12, 13 and 14. They took baseball bats to a septuagenarian Anglican priest and his wife and killed them in cold blood. I remember the television that night or the next night. Their high school and senior elementary school pals were weeping and gnashing, as you would expect, because they couldn't believe it. Those were the same young people I had seen in Florida two nights before

having a belly laugh about the blood and guts in *Pulp Fiction*.

Somehow, in ways I don't understand, we have created a society that is desensitizing people, particularly young people, about violence, about murder and mayhem. In my view, it is a serious cancer for which there are no easy answers of which I am aware, but it is a cancer nonetheless.

Videos and the video world that young people today imbibe: Have you tuned into that lately? Is it any wonder we have some of the problems we have, if that is the daily diet on which young people are being raised and which they are being fed?

Think about Columbine for a moment. Think about those accused youngsters and where they lived. These were not poor people, as I recall the story, from the wrong side of the tracks. At least one of those accused, as I remember the story, had an arsenal in a half-a-million-dollar home in suburban Denver. Somehow his parents didn't seem to know what was going on. I think we all have to take some real pause. What is going on? What is this cancer and this infection that is creating this very serious problem, as my colleague from Prince Edward-Hastings said, with some very troubled young people?

I'm a bit, I suspect, like the judge who has just rejoined us. I remember well growing up in the Ottawa Valley. Your worst nightmare was being sent to Alfred, and little did we know what was really going on at Alfred. I always view myself as something of a hard-liner on these matters. You meet some of these young punks who are just that, young punks, and they damn well should be held to account for what they have done. It's easy for me to say that. The judge has sat there for 10 or 12 years and seen this daily parade.

One of the things I wanted to say tonight was that two months ago, at the invitation of some area judges, I went to youth court in Pembroke and I spent a day there. I want to take a moment to reflect on what I saw and what I heard. I hope I don't offend anybody. I better be careful, Garry. I'm probably bound to not say too much. What did I see that day over several hours? I'm no expert and I was certainly no saint when I was 12 and 14 and 16, but I saw what I thought were young punks and I thought to myself: "You know, I'd like to send them to Guzzo or to my dad or to some of those nuns I had growing up in the Ottawa Valley. Put them on a community service order. I suspect it would probably be good for them."

But for every one of those cases I saw that day, I saw just so many other cases for which I had no easy answer. I saw mothers with no husbands, with troubled kids to be sure, mothers who wanted something done, mothers who had obviously been there before, mothers who were deeply worried about their kids and wanted help desperately, mothers who were working two and three jobs to make ends meet. I saw court officials I found enormously sympathetic and supportive.

You know what I saw that day? I saw what sounded like one of the most serious cases that court had dealt

with in some time: a youngster about whom it was alleged there was an issue involving firearms. As I remember the case, there had been some evidence in this youngster's background where there was a hint of perhaps some real trouble. This was back in mid-February and the court couldn't proceed and at that time that youngster was in a facility in Ottawa, a long way from his home. By the way, his parents were both there and they wanted help. They were very concerned and very supportive. The judge that day said that she couldn't and wouldn't proceed until there was a full psychiatric examination. In mid-February, do you know when the first date was going to be available for that? Five or six months hence.

**2030**

That's us. That's the Ontario government. A youngster about whom there was some clear evidence of potential trouble involving a firearm and a school, and we couldn't get a psychiatric examination for five months. I don't want to sensationalize but we well remember the case reported from the west coast last week. That happened in my community. I want to say with all candour that in that situation, from what I could tell, everybody wanted to do something constructive and they wanted to do it quickly, but a very key piece involving necessary resources, namely, a psychiatric examination, was going to be delayed, not a week, not a month but five or six months. I checked the other day just to see—"How are you doing?"—and it may have moved up a couple of weeks, but it's still July.

I'm not here to make light of complicated situations, because my overall impression that day was that I left the court more saddened than anything, angry—yes, at a few of these characters who I thought I might have had some idea for, but for most of these people it just seemed to me a function of social disintegration.

What do you do? I don't know whether you've seen this; my colleagues have heard me talk about this. About a month ago, Bill Moyers ran an exceptional program on American public television called *Surviving the Good Times* and you should make it your business to watch that. It's the story of two families in Milwaukee, Wisconsin, over the 1990s, two middle-class families, one white, one black, where the breadwinners both lost their good jobs in 1988-89.

It is a longitudinal study, this two-hour edited program, of what happened to those families. Let me tell you, those two families did everything you would want them to do. They worked, they upgraded, they volunteered. At last report it looks like they're probably going to make it, though one family is probably heading to divorce court.

The point I want to make is what was happening to the kids. The kids clearly reflected the stress of the home environment. To some degree I think that's what I was seeing that day in Pembroke a couple of months ago. I know, and to some degree I share, the frustration of the right wing which says, "Those lefties are always prone to say, 'It's really a matter of class and related socio-

economic factors.'" To some real degree it is. I see the member from London shaking his head.

I always remember Arthur Maloney saying to me one day, "If you ever need a reason, Conway, to vote against capital punishment, I'll give it to you." This was coming from probably one of the most distinguished defence counsels of this century. Maloney said simply this: "Rich guys are going to be able to hire a guy like me and I'm going to get them off a lot of the time. Some poor guy is probably not going to be able to do that." I see the Republican Governor of Illinois has just stayed any further capital punishments in Illinois because there is real evidence that's what's going on there.

I know we don't like to talk about crime and punishment and how they relate to issues like class, like race. Canadians are pretty aggressive on the world stage, but I'm going to tell you, you look at the percentage of native Canadians occupying jails in this province and country and it's not a very happy situation. Go to Saskatchewan and Manitoba particularly; go to northern Ontario. I'm not a sociologist, and I don't know a great deal about these crime statistics, but I know what I'm going to find when I go to a lot of these jails. I'm absolutely certain of what I'll find there in terms of certain class issues. That does not, I realize, mitigate our requirement to do something. I understand the politics of crime and punishment in 2000.

It is 12 years since Lee Atwater ran that masterful campaign with Willie Horton in the presidential campaign of 1988. By the end of it, Atwater had every suburban white American believing that Willie Horton was just outside, behind that shrub on your front lawn. It scared the wits out of America. Variations of that theme have been played with considerable success over the last 10 or 12 years, and I don't doubt for a moment that we're going to be treated to a lot more of it.

**Hon Chris Stockwell (Minister of Labour):** What about New York?

**Mr Conway:** What about New York?

**Hon Mr Stockwell:** They cracked down.

**Mr Conway:** Of course they did. I think Giuliani deserves some real credit for what was done there. I think the mayor deserves some credit. But I say to the Minister of Labour that some of this has to do—it's also a function of demographics.

*Interjection.*

**Mr Conway:** I'm just saying it's a complicated issue. I understand the politics, believe me, and I as much as anyone—I suspect the irony of this is that my tolerance around this is probably lower than most of yours. Mike Harris is prepared to put up with some things I wouldn't put up with. I'll go no further for the moment.

*Interjections.*

**Mr Conway:** No, I'm not going to. But since we are engaged in a resolution about what goes on in the other place—and I don't mean this to be as personal as it's going to sound. I've always kind of liked Jack Ramsay. I don't know Jack Ramsay from the man in the moon, but I tell you that the public out there is not stupid. They



understand politicians who get up on the pulpit to lecture about certain issues—

*Interjection.*

**Mr Conway:** All I'm saying is, it's hard to imagine a politician who made a bigger name for himself about being tough on sex offenders and related issues, and what were we treated to in that Prince Albert courtroom in the last couple of weeks? I wasn't there; I don't know. I just know what was concluded in the first case.

I simply want to say that, in talking to people in my community who are much closer to this than I am, they certainly want some things done provincially and federally. Some very knowledgeable people in my community tell me: "Put more resources into parole officers. Those community service orders are far more effective than controlled custody, closed custody for these young people. Yes, there are going to be some people who will get through the net, but overall that is where you should be putting your emphasis, particularly with young people." Social workers are telling me that even in places like Pembroke and Renfrew they are starting to see, in and around the schools, more serious drug use than has been the case in the last few years. Some serious and violent behaviour is now occurring at very young age categories. As I mentioned earlier, girls are now getting into it to match the boys.

I say in conclusion that no fancy resolution, no cheap partisan political salvo is going to solve what in the main is a serious social and economic problem.

**Mr Peter Kormos (Niagara Centre):** I suspect I'm going to be the last speaker on this resolution and the amendment.

**Mr James J. Bradley (St Catharines):** Are you sharing your time?

**Mr Kormos:** No, I'm not going to share my time.

I was concerned about the fact that we're sitting at all this evening, and incredibly concerned about what I won't even call the nature, and least of all the quality, of the debate. Let's say I was concerned about the types of contributions that were being made. I was heartened, I have to tell you quite candidly and honestly, by the contribution of the member for Ottawa West-Nepean, Garry Guzzo. I was similarly encouraged by the recent comments just prior to me of Sean Conway, from Renfrew-Nipissing-Pembroke. I really thought tonight was going to be very much something of a write-off. Part of me still feels very much that way. Part of me says: "What the hell am I doing here? Here is a pre-election Tory tactic designed to dump on the federal Liberals"—and dumping on federal Liberals is not something alien to me—"in anticipation of a by-election in Wentworth-Burlington, and of course a federal election that is inevitable."

**2040**

I was struck further by the fact that this resolution was initiated by the province's Attorney General. The timing of it, of course, spoke for itself. But I was struck by the fact—what happens, Speaker, and you know this better than anybody because you know the rules here. I have

trouble with them from time to time, but you know the rules. The rules are that each caucus has a leadoff of one hour. Since the Conservatives presented the motion, they had a whole hour for any one of the huge number of Conservatives here in the Legislature to speak to this resolution, just as the Liberals had an hour, which they completed, and just as we have an hour. I'm not going to get through mine tonight, but that's OK. I'll pick it up and carry on the next time the resolution is called. But what struck me is that this so compelling and important resolution couldn't even attract enough interest from Conservative members for them to utilize all of the hour available to them. They declined to call any more participants in the debate before their hour was up. It has nothing to do with giving more time to the other caucuses. We're each entitled to our time slots.

Having said that, and having listened very carefully from the very beginning of this evening's debate to what members of the Conservative caucus and the Liberal caucus said—as I say, I exclude Mr Guzzo from the criticism I am about to levy—we had the resolution, six paragraphs, expressing concern about the federal government's attempt to shorten some jail sentences for crimes committed by young offenders. What the hell are you talking about? You certainly didn't explain it—none of you—during your comments with respect to the resolution. In all fairness to the federal Parliament, there is no discussion of any reduction of any Criminal Code sentences that are available for any offences currently in the Criminal Code. If you're talking about the adoption of the proposition of statutory remission, why didn't you say so, so we could talk about that? The problem is, you present the resolution and then you're not prepared to debate it. You present a resolution that in itself makes some incredibly bold claims. But in the course of discussion, in the course of the debate, you're not prepared to elaborate.

I read Bill C-3. I trust it was distributed to the members of your caucus, so that you could read it too, in anticipation of this debate. I read the compendium that was prepared by federal bureaucrats, the same way provincial bureaucrats prepare compendia. It's for people who don't want to read the whole bill. You can read the compendium, the explanatory notes. Surely you Conservative members availed yourselves of that compendium the same way I did. Surely, if you're as enthusiastic as you appear to be about wanting to nail the feds on the Young Offenders Act and its successor, you would want to know exactly what it is that's being proposed.

As I indicated to you when the Attorney General made his announcement, his minister's statement, about this pending debate, I said I look forward to it; no quarrel about the fact that there are issues around the Young Offenders Act and its proposed successor bill, Bill C-3, that I was more than eager to discuss here.

You come up with the craziest and wackiest of data and statistics about so-called increases in crime. Let me speak to that. I've got the data from Jurisdats, which is from Statistics Canada, about youth crime and youth

participation in young offender courts, and it shows a 15% reduction in cases in youth court in Ontario since 1992-93. Once again, I understand that that standing by itself doesn't explain a whole lot, if anything at all. But it's certainly far more consistent with the proposition that there's been some, at the very least, modest reduction in the occurrence of youth crime as compared to these gigantic, huge increases in crime that the government members would have us believe the statistics support.

I want to explain that, though, because I understand that it's of no comfort to the victim of a break and enter or an assault or a robbery or any other number of crimes to tell them: "Oh, you were the only one this week. Last year at the same time it was three times as many." It's of no comfort to that victim to tell them that they're part of a reduced statistical base in terms of the phenomenon of crime. But please, let's start with some straightforwardness, some honesty about the issue. It's serious enough by itself that we don't have to paint the lily, don't have to embellish the facts. Crime and its impact on our families, on our neighbourhoods, on our communities, on this province and on this country is significant enough and serious enough that we don't have to embellish it.

I'm not going to suggest that the modest reduction in the rate of youth crime warrants any of us, either provincially or federally, abandoning the issue and going home comfortable and saying: "Everything's OK. We don't have to concern ourselves with it any more." But I resent you pumping up, hyping up, creating phony stats and following that up with even phonier arguments, when you don't have even the most basic understanding of the facts, either the content of the Young Offenders Act as it is or of the content of Bill C-3; or of the fact—please, this might help some of you a little bit—that Bill C-3 received second reading on November 23 of last year and since then there have been hundreds of amendments proposed by all of the political parties represented in the federal Parliament, including the government party, the Liberals. Now, that means New Democrats, and yes, New Democrats have been active in the debate; it means Bloc members have; it means Conservatives have; and it means even people from your party, the Reform Party, have introduced amendments. I've read some of the debate by some of the members of your party in Parliament, by some of Preston Manning's backbenchers in Parliament. I've read some of their contribution to the debate around Bill C-3.

**2050**

I'm reminded of back in September 1997, because this isn't new. Your Attorney General is not being particularly creative here, he's not being particularly imaginative, he's not being particularly clever or novel. You see, I recall when his predecessor—and let me tell you, this Attorney General is starting to make Charlie Harnick look very good, this Attorney General is starting to make me very impressed by Charlie Harnick. I recall the same sorts of issues being raised by the Attorney General's predecessor. I recall the Attorney General being in the estimates committee. What a wonderful opportunity,

because the Attorney General of 1997 once again was championing the cause to take on the Young Offenders Act. What a delightful opportunity I had, to have him sitting there in front of the microphone and me sitting back there in front of a microphone with the Hansard reporter recording the questions and answers.

**Hon Mr Baird:** Share it.

**Mr Kormos:** I shall. You see, the transcript was remarkable. I questioned the Attorney General when the Attorney General was complaining about the entitlement to legal representation by young offenders, how that somehow blocks the process and discouraged convictions. I asked him if he was concerned about legal representation for young offenders. He said, "No, that isn't the problem." I said: "You talked about some of the technical, procedural things that inhibit the police in their investigation and prosecution of young offenders. Do you have concerns about the right to counsel? Is that your problem with the Young Offenders Act, Attorney General of the day?" He said, "No, I can't have concerns about right to counsel." He agreed that every young offender who was arrested or detained had a right to counsel.

I then put to him about the somewhat higher threshold for determining the admissibility of a statement by a young offender. The police have a few more things they have to do with a young offender before they take a statement, before that statement can be what lawyers call admissible in court.

The Attorney General said: "I don't have the legislation in front of me. Police officers have noted that the technical requirements are very onerous." Then I put to him that surely police officers over the course of the last—Judge Guzzo, what, 18 years since the implementation of the Young Offenders Act? Police officers early on were confused, as all of us were. It was new legislation. It was being tested in the courts. It was being tossed around. Police officers surely have become familiar with the requirements. He agreed that, "Well, yeah, that's it."

So it wasn't the onerous standards, but he made reference to a number of other technical requirements: "I don't have the act in front of me, so I can't go through them step by step."

I asked him then, was it the obligation on the part of police officers to have a parent or other adult present? Was that the problem? He said, "I'm not sure of that, but you might want to ask the assistant deputy minister."

Then I asked the Attorney General if he could tell us how many prosecutions have been unsuccessful as a result of failure to comply with those standards. The Attorney General said no. I reminded him that he spoke of there having been a prevention of realistic prosecution on the merits as a result of those standards and asked him for data. He suggested that he arrived at that conclusion merely as a result of anecdotal evidence.

I then asked him, because he said so many young offenders were getting off scot-free, whether he was suggesting that our provincial judges were inappro-

priately discharging people. The Attorney General said: "Well, no. The provincial judges aren't acting inappropriately." I asked him what part of the powers given to a judge to impose probation he had concern with. He then, in his most enlightened response, responded that, "We in the province of Ontario don't have the array of programs to provide community work or those types of diversion programs, so a judge is accordingly limited."

I'm going to join you in suggesting that the Young Offender Act has not been an overwhelming success. Having said that, let's be very careful. Let's understand that the vast majority of young people who appear in young offender court are there for their first and only time—the vast majority. Clearly, a huge number of youngsters who appear in young offender court are there once and once only.

What we should be concerned about—and I've talked to you about this before—are the young offenders who become repeat offenders, the young offenders for whom the process of being arrested and held in detention or custody and having to appear in court in front of a judge wasn't a sufficient deterrent. You see, that very much involves the province, and I'll make some comments about questions that should be asked of federal parliamentarians as they discuss the successor to the Young Offender Act, Bill C-3, and as they debate the 100-plus amendments that are put before them.

The fact is, at the end of the day the success of the Young Offender Act depends, yes, on the nature of that legislation but it depends in a much larger part on whether or not this province is prepared to commit the kind of resources that you need to take young people who find themselves committing in some cases some very serious crimes and ensuring that they're placed in appropriate facilities with appropriate supervision, treatment, rehabilitation and aftercare once they're released from those institutions. Because the reality remains that it's the province that has the responsibility to provide those correctional facilities for young offenders.

Reading C-3, I note that the federal government contemplates increasing the maximum penalties for those most serious crimes, for instance, first- and second-degree murder, for even those who remain in that young offender category. It also proposes liberalizing, if you will, being more permissive in those instances in which young offenders can be automatically booted up into the adult category, again in the case of those most serious offences. I think all of us will agree that those are appropriate and proper changes to the young offender legislation. But you've also got to understand that the vast majority of young offenders are not the ones who were in there for committing murder. Again, that's not to diminish the seriousness of even one young offender involved in that type of serious crime—a homicide or an aggravated assault or a serious sexual assault or even a not-serious sexual assault, if there is such thing. I'm not suggesting that there is.

What we do know, similarly, from the statistics is that 45% of the young offenders in our young offender courts

have been there three times or more. That means we're starting to narrow down the circle of young people with whom we'd better start becoming incredibly concerned and not just from the point of view of "lock them up and throw away the key," because unless they are convicted as adults of first- or second- degree murder, where they receive those adult sentences of 25 years without parole eligibility, unless they're that small group of offenders, those young offenders are going to be released sooner or later.

This province had better start taking its responsibilities seriously. I appreciate the Minister of Correctional Services was interested in appearing, along with his Attorney General and Solicitor General colleagues. Maybe the Minister of Community and Social Services should have been prepared to join them, as that minister still has responsibility for the maintenance of correctional facilities for those young offenders who are under 16 years old. I find it interesting that we haven't heard from that minister because I believe we're the only province left—the Minister of Correctional Services can correct me if I'm wrong—that still divides jurisdiction over incarceration, treatment, the institutionalization of young offenders between the Ministry of Community and Social Services for the junior level, the 12- to 15-year-old inclusive offenders, and the Ministry of Correctional Services for the 16- and 17-year-olds. One of the things it's done is to make it incredibly hard to track young offenders as they go through the system from the very youngest ages of 12 and 13 through into the quasi-adult system supervised by the Ministry of Correctional Services dealing with youngsters 16 and 17 years old.

#### 2100

I'm surprised that in this resolution—again, I'm so naive. How could I have been so naive as to think that this was something other than a cheap partisan bid on the part of this government to try and win a by-election campaign and/or try to play federal politics with an upcoming federal election? So naive of me to believe the resolution could have been intended to generate some realistic or meaningful or serious debate about the role of the federal government and the provincial government in responding to youthful offences, crimes by young offenders, crimes by people under the age of 18. They wouldn't have even acknowledged—my goodness, I'll look again.

One of the concerns that I would have believed this government should have, and I suspect many members of the Legislature have, is the fact that Bill C-3 really doesn't go very far in terms of permitting the public identification of young offenders. I've got to tell you, it would have been so nice if some of you, one of you, had the interest in this issue to stand up and talk about where you stand and what the rationale might be to eliminate many of the restrictions—not a whole pile of the restrictions—on identifying young offenders. You see, I for one happen to believe that the folks in my neighbourhood have a right to know if the 15- or 16-year-old next door or several doors down happens to be a

little break and enter artist. I'm serious. I believe the people in my neighbourhood or my community have a right to know that. For the life of me, by the time a young person is committing break and enters, I don't understand what interest of his, whatever interest, could be served by not identifying him to the public.

The problem is that your resolution doesn't speak to it, nor do any of you when you speak to this resolution. None of you, short of Mr Guzzo, has made reference to the Young Offenders Act or its predecessor, the Juvenile Delinquents Act, or to its proposed successor, Bill C-3, other than to recite like a mantra, like a bunch of little Maoists reading out of the Red Book, the six paragraphs in the resolution and accepting, as if they were somehow gospel just because they're in the resolution, that they have to be true, they have to be the case.

**Ms Mushinski:** Give me a break.

**Mr Kormos:** She says, "Give me a break." I'm afraid not tonight. No breaks tonight, because I listened to you as you spent some 10 minutes railing about two adult criminals and their involvement in the federal criminal system and two or three other adult criminal offences, all of which have shocked the public and horrified the public and drawn public concern. But I didn't hear a single reference from you, madam, to the Young Offenders Act or its purported successor, Bill C-3. I didn't hear a single suggestion that you had read a single page of Bill C-3 or, for that matter, that you'd ever bothered reading the Young Offenders Act. I'm sorry, please, if I sound patronizing. I'm just saying I'm sitting here listening to you. You've got to sit here and listen to me unless you want to leave, in which case you can, just like the folks who are watching. If they want to watch—I don't know what's on now. If there's something on the cooking channel, then by all means, people, click to the cooking channel.

But I listened to the government backbenchers during their modest contribution during the first hour of this evening's debate. I heard nothing enlightening or insightful or, quite frankly, anything that reflected the reality. I say that as somebody who was prepared and, as I indicated in response to the Attorney General, ready to come here and participate in some, yes, legitimate criticism of the young offender legislation and of the fact that we had a right as a province—don't we? Of course we do—to discuss that, especially in view of the fact that the province bears a substantial role because the province bears the responsibility of administering the legislation. I'll tell you quite frankly, I was surprised.

One of the concerns that have been raised by members of the federal Parliament—again, this is an observation—is that neither the Young Offenders Act nor Bill C-3 does anything about addressing the causes of crime in our communities. Unlike in the federal Parliament, nobody here has raised concerns—and I'll do it now; it should be said—about the fact that the federal government's most recent budget dedicated but \$206 million over the next three years for all of Canada, all 10 provinces and three

territories—I hope I got the three territories right; I think I did—to implement the reforms contained in Bill C-3.

I don't think anybody here has any real quarrel with the usage or utilization of community placements and alternative diversion programs, but again I find it incomprehensible to hear this resolution and to hear the Conservative backbenchers' comments to the resolution when twice, if not more times now, we've raised the concerns about the group called Intercede in the Oshawa-Durham area, which was volunteer-based but required some modest funding and had that funding from the government until it was cut off recently. It had an incredibly high success rate dealing in a diversion program with young offenders, and with the co-operation of the police and the courts and crown attorneys and families, and at very low cost, was capable of getting some young kids who got themselves involved in the criminal justice system diverted into community-based programs involving all sorts of creative things, some of which this government says it endorses, things like confrontation by their victims, things like reconciliation, things like restoration, restorative justice, where those same young offenders have to devise plans to compensate their victims for the losses that their victims suffered—a very low-cost and very successful program defunded by this government, notwithstanding that I saw the letters of support from the members for that very area in Oshawa-Durham who understood and agreed with the impact of this group of community people operating a program called Intercede.

Here were people trying to do the right thing, because the real issue here is to reduce that number, that 45%, of young offenders who are the repeat offenders in young offender court—that's what the stats tell us—that core, that nucleus. If we don't start dealing with them effectively, they're going to continue to mature, to grow, to become the adult offenders. They're not just going to be the young offender accused, but they're going to graduate from young offender court, junior level, through to young offender court, senior level, for the 16- and 17-year-olds, and then through to adult court.

Another interesting statistic is that as people start to reach the 40s, and sometimes the 30s, they start to slow down and move out of those criminal kinds of lifestyles.

#### 2110

Let's talk about real deterrents. It is common knowledge that the single most effective deterrent against crime is the likelihood of detection. I've met some of them, but short of the very rare criminal, most criminals don't expect to get caught. Many criminals aren't particularly bright, which means they inevitably get caught. But please, most criminals don't expect to get caught, and the single most effective deterrent is knowing that you're going to be detected and apprehended. I don't care whether we are talking about young offender crime and vandalism or break and enters or thefts or drunk driving, you know that the single best deterrent against any of those crimes by any age of offender is the likelihood of apprehension.

Yet what has happened in most if not all of our communities across the province? Indulge me, because I am not as old as Mr Guzzo, but I am old enough, like he is, to remember the regime of the Juvenile Delinquents Act. I am also old enough, like he and a whole lot of other folks here, to remember when police services boards in any number of communities had youth bureaus: police officers whose sole responsibility was dealing with youth crime. I am sure that any one of us who has ever been involved in any way, shape or form with the criminal justice system could tell you any number of stories about the creativity and effectiveness of those youth bureaus in any number of communities, be they big city or small city like I come from. Yet those youth bureaus don't exist in our police departments any more, do they?

**Mr Guzzo:** Some cities have them.

**Mr Kormos:** The vast majority of communities in this province haven't seen youth bureaus for a good chunk of time now, because it's expensive, it takes resources. This government, although it wants to talk over and over again about the funding it announced—what was it, three years ago?—for new police officers, has done nothing but reannounce that funding. It hasn't given our police forces adequate resources to develop the speciality and to be able to devote police officers, commit police officers to targeting specific areas of crime. The area of youth crime is one area where youth bureaus, that focused effort—the utilization of seasoned officers who have experience with the community, with the young people in that community, with the schools, with their families—can be incredibly effective at proving the maxim that likelihood of detection is the single biggest deterrent.

You give cops resources in communities like mine, in Welland, Pelham, Thorold, St Catharines, or any other community in this province, to target youth crime activities—it's not hard to create some profiles. The statistics are there. You take a look at what young people tend to do by way of crimes, at least in terms of the initial one—and I appreciate that it escalates. That's why you've got to nip it in the bud. You've got to deal with it promptly, especially for those who are inclined to re-offend, for those who aren't part of that huge majority of young offenders for whom the mere appearance in court is a more than sufficient deterrent; they will never be there again. We're not talking any more about the kid who steals the candy bar from the K mart or the 7 Eleven or whatever it might happen to be; we're talking about kids who escalate into more and more serious thefts; we're talking about kids who get into car thefts, B and Es.

I'm convinced that the greatest majority of break and enters, those types of property crimes, are directly related to drugs and drug trafficking. Why do you think they're breaking into people's houses and stealing their VCRs and their family jewellery and whatever cash might be in the kitchen drawer? I don't have hard data to give you, but I'll bet you dollars to doughnuts right now that at least 80% of the time you've got a drug connection there. Yet where have we seen the extraordinary resources from

this government to provide enough resources for our police services to declare an all-out war on drug trafficking in this province?

We've seen it done in days gone by where, community by community, police forces can isolate and dedicate resources and clean up whole rings of drug trafficking. When they do the bust, when they clean up and do their sweep, you can see everything from the top dog all the way down to, yes, the kids, the young offenders who are out there doing B and Es to buy their nickel and dime bags of whatever drug happens to be being trafficked by that element in that particular community. Those sorts of things work.

If you want to start addressing crime, and I agree about how we have to—how can I say it?—prioritize youth crime, if we deal with it while it's still youth crime, we've got a half-baked chance of depopulating our adult prisons because we're going to see fewer and fewer people graduating into the adult system.

Very briefly, because I've only got around 20 minutes left—I hope it's 20 minutes. The Speaker says I have 10. I understand.

I find it interesting that, once again, in this resolution, as we've heard from this government in the not-too-distant past, there is concern about length of sentences. Again, the data is available to them as to the sorts of sentences that are being imposed. One of the things I hoped would have been debated was the whole nature of youth sentencing. The vast majority of young people don't need any sentencing. The fact that they've been busted, fingerprinted and gone through the whole nine yards, man, they're never going to see the inside of a police station again.

But what do we do with the young people who do get sentences? Mr Conway talked about being in young offender court. I'd suggest to some of you that you spend some time in young offender courts. I don't care where you are—Toronto, Ottawa, Welland-Niagara, Windsor. Take a look at the dockets that young offender court judges are dealing with. They're bloody sausage factories. You've got judges having to process young accuseds at what seems like a mile a minute, judges with dockets that are two and three pages long, judges who are scrambling in such an incredibly compressed period of time with, quite frankly, more often than not so few resources, judges who have to fight the local budgets for the transfer payment agencies that do the psychiatric and psychological assessments in preparation for pre-sentence reports.

I'm very familiar with that process down in Niagara region. Niagara Centre for Youth Care, an outstanding agency which contracts or has the responsibility of providing these assessments of young offenders for young offender courts, has seen its budget restricted increasingly over the course of the last three, four, five years and for whom, as has already been mentioned, there are longer and longer backlogs. There are also limits. There is no more room at the inn.

**Mr Guzzo:** Under section 96, judges take priority.

**Mr Kormos:** Yes. But when there is no more room, there is no more room. Then judges find themselves, as this government would have them do, trying to do more with less. Judges find themselves with placements that would be preferable for that particular young offender if that young offender is going to get the treatment and the rehabilitation and the correction that she or he needs if they're going to be straightened out only to be told that there's no room at that inn either. So you move them on somewhere else.

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**Mr Guzzo:** Take a few.

**Mr Kormos:** Oh no, I've taken a few.

**Mr Guzzo:** Take the rest of them down to Welland.

**Mr Kormos:** I'd like to send a few of them to jail. It would be an enlightening experience. There's need for corrections around here. I suggest it to some of your colleagues, not for you and me. Take a look at what's going on, because the Minister of Community and Social Services, who has declined to be a part of this debate so far and who has been privatizing, said: "C'est ça ; au contraire. You had your chance. You didn't use it." This minister, who has completed the privatization—were there any left to privatize?

*Interjection.*

**Mr Kormos:** None left to privatize. Then his colleague the Minister of Corrections has precious few young offender facilities left to privatize in his own right, doesn't he?

I look at this government and it's frustrating for me because I share some of their concerns about how young offenders are dealt with in our courts, in our criminal justice system. Yet how can this government cry foul when it has abandoned its own responsibility in terms of the treatment, rehabilitation, correction and safeguarding of these same young offenders? That happens to be a provincial responsibility, one which you have neither accepted nor protected. That's the most important part of the process, isn't it? Once there is a conviction and once that young offender is placed for rehabilitation, it's then your responsibility. It's a responsibility you've abdicated and it's a responsibility you're hard-pressed to blame somebody else for or some other level of government for as a result of your failure.

You see, that's what the debate should be about. The debate should be about the province's role as well. If the province wants to talk about the inadequacy of the amounts budgeted in the last federal budget, I'll be pleased to join you, as I know federal members of Parliament, including New Democrats, have mentioned along with other members of Parliament. They bemoan the inadequacy of the monies allotted for the transfer of payments to all 10 provinces and three territories. We'd better start talking about this province's responsibility to maintain those young offender facilities, both for the younger young offenders below the age of 16 and for those 16- and 17-year-old young offenders. You're the ones with the responsibility to engage in the corrections. The ball is in your court. You can't blame the feds for

this one. It's your ball to carry. You can blame them for lots of things but you can't blame them for your failure in accepting responsibility for corrections, quite frankly, when it comes to all offenders now, adults included, but particularly young offenders.

You guys blew it, and you continue to pass it off to your private sector, which has proven itself incredibly inept, corrupt and with no interest whatsoever in corrections or rehabilitation. That should be the real goal. The goal shouldn't be about how tough and mean you can be; the goal should be about how effective you can be. The goal shouldn't be about how high the fence is going to be and whether there are going to be one or two rows of razor wire; the goal should be about how meaningful that period of incarceration is going to be so that you avoid recidivism, so that you avoid repeat offences. Again, that's where the ball is: very much in your court.

The other concern you should have is about the allocation of resources to get yourself involved, because again that's where the Minister of Community and Social Services has a very distinct responsibility in terms of dealing with 10- and 11-year-olds. Please don't start suggesting—I mean, where do we draw the line? Do you want to start seeing five-year-olds, six-year-olds in a criminal justice regime? The fact remains that the 10- and 11-year-olds we've read about and witnessed becoming involved in activities that, were they older, surely would be criminal very much fall within your jurisdiction, very much fall within your mandate, and you've failed those young people as well.

I'm not prepared to join you in passing the buck in that regard. I'm only prepared to point out that you have a very specific responsibility—you, members of the government—to do more than simply read repetitiously your six-point manifesto drafted by Mr Flaherty in some sort of glaze-eyed mantra, as if somehow—good evening, gentlemen. Good evening, sir. Good evening.

These are the guys who want a pay increase. I read it in the *Globe and Mail* on Friday. These are the people who want a salary increase. Have you watched the proceedings here tonight, Speaker? These are the people who want even more money. A minimum wage here of \$78,000 a year, and most of these people make at least four or five grand on top of that, if not 12 or 15 or 18, and they want more money. They don't want to participate in debates but they want a pay increase. They're not satisfied with \$78,000 a year and the fact that they increased their pay back in 1996 by approximately 10% shortly after they cut welfare rates by 22%. Incredible.

**The Acting Speaker:** Thank you. You may have the balance of your time the next time this order is called. It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 2127.*

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