tried in adult court and facing the sanctions which the criminal law provides in adult court.

I ask members of the House to observe that this is not an automatic treatment of 16 and 17–year olds in the youth justice system. We do not favour an automatic transfer of people in that age group. Rather it is simply a reverse onus for the test on transfer that exists at present, obligating those persons of that age when charged with the proscribed crimes to bear the burden of persuading the youth court judge that they should remain in the youth court.

• (1540)

The offences in respect of which this changed onus applies are: murder in the first and second degree; attempted murder; manslaughter; aggravated sexual assault; and aggravated assault. Simply, it applies to the most serious crimes of personal violence in the code.

Our purpose in proposing this change to the transfer provision is to reflect the belief of this government that when alleged offenders at the highest ages of the age range covered by the act are accused of crimes of the most serious violence, then they should bear the burden of establishing their entitlement to be tried and sentenced in youth court.

The third change to which I would draw the attention of the House has to do with victim impact statements. As I met with victims and their families over the last several months, I was impressed with the extent to which such persons want to have a role in the administration of criminal justice, particularly youth justice, that permits an acknowledgement of their pain and their loss. By introducing in youth court the same opening for the filing of victim impact statements in the sentencing process as exists at present in criminal courts generally, we will extend that right to victims and their families.

The next change of significance has to do with the sharing of information. The changes we propose will enable peace officers and the provincial director for youth justice and other appropriate authorities to share with school boards, schools or other institutions or agencies, information about young people involved in the criminal justice system.

[*Translation*]

The current provisions have had the unintended result of impeding the communication and sharing of information between experts working with young offenders, such as police officers and school authorities.

[*English*]

I have been persuaded from my meetings with members of police forces, school board trustees, high school principals, worried parents, indeed young people themselves, that the structure and the scheme in place at present often works against the kind of partnerships we need in society to deal with the threat of youth crime, to deal more effectively with protecting students and staff and others when young people are prone to violence. The changes we propose will enable the sharing of information responsibly so as to overcome that structural difficulty.

The new system proposed in Bill C–37 will require the recipient of information, for example the principal or the official in the school, to keep that information private. It will be shared only with those with whom it must be shared for the purpose of putting precautions in place. It will be kept separate on file from the educational record of the young person, and then the information will be destroyed when the young person has left the jurisdiction, for example of the school board.

The next change to which I wish to refer has to do with the way in which Bill C–37 affects the manner in which the courts respond to non–violent crime by those covered by the Young Offenders Act.

[*Translation*]

Adolescents who are guilty of minor infractions should assume concrete responsibility for their acts and repair the damage done to their community whenever possible.

• (1545)

[*English*]

For us the emphasis should be and must be upon non–jail sentences for young offenders who commit non–violent crimes.

Some 10 years ago, when the Young Offenders Act was drafted, introduced, debated, enacted and proclaimed, the stated expectation was that the emphasis for young people caught up in the criminal justice system would be on community based, positive, rehabilitative dispositions so that they were not sent to custody and nothing more. The emphasis was to be on restorative justice so that young persons who made mistakes would be punished and corrected but could learn from it through a community based program involving supervision to get them back on track.

For the most part that promise has not been fulfilled. In fact the level and extent of custody as a sentence for young offenders are vastly higher than first expected. Over 30 per cent of those young offenders found guilty in youth court receive a sentence involving custody. Over half those in custody are there for non–violent crime.

Studies establish the outcomes for those held in custody are not as good as for those who are not. At the same time the cost of custody vastly outweighs the cost of other dispositions. Over $350 million a year is spent in the youth justice system on the costs of custody nation–wide.