

Government Orders

Consequently, I feel I can refer to this bill as a very repressive measure. This answers your three points.

[English]

Mr. Philip Mayfield (Cariboo—Chilcotin): Mr. Speaker, on this day, June 6, we remember the principles of peace and freedom and the ability of courageous people to overcome oppression and evil and to maintain these principles. It seems there are certain principles under attack within our own community. People are not at peace; they are not free when they are under threat to their life, their property and their well-being.

My hon. colleague mentioned that a principle of justice has been eradicated by the bill. I would simply like to ask him what principle of justice has been eradicated by the bill.

[Translation]

Mr. Bellehumeur: Mr. Speaker, I may not be an expert in criminal law, but I did practice law for seven years and I have always understood two facts about our British-style system of justice. First, a person is presumed innocent until proven guilty.

Second, the burden rests with the Crown to prove guilt beyond a reasonable doubt. In the matter now before us, in Quebec and in other provinces, there are laws on the books that say that a young person is considered to be an adult when he or she reaches 18 years of age. That is a principle. If the proposed legislative changes are adopted, a 16- or 17-year-old could be tried for a crime as a adult. To my mind, this provision flies in the face of the principle whereby everyone is treated equally under the law. In the case of some 16- or 17-year-olds, the government would be saying that while you are considered a minor under certain laws, we have adopted others which say that you are an adult and will be tried as an adult.

I find this approach extremely dangerous. It opens the door to setting aside other, perhaps more important, principles. Just how far is the government prepared to go to appease the people on the right and silence those who may be misinformed or even manipulated by groups who distort the facts?

[English]

Mr. John Bryden (Hamilton—Wentworth): Mr. Speaker, I fully support the bill but my colleague opposite raised a concern that I share, that is the whole issue of young people 16 and 17 years of age having to prove to the judge that they should not be transferred to adult court. I agree with him that this would appear to be a problem where the accused is forced to prove his innocence.

However I note the minister said in his remarks today that the final decision on whether or not a young person goes to adult court, if I interpret the minister correctly, is entirely at the discretion of the judge. Surely that answers my concern and the concerns of my colleague opposite.

[Translation]

Mr. Bellehumeur: As far as referral is concerned, Mr. Speaker, there are two points I have not raised yet, but that really worry me. When we talk about referral, we talk about the whole justice system. This is going to be very costly. I cannot wait to see how much this new referral process will cost to the justice system? Also, this bill will make the procedure more cumbersome.

I would like to give a straight answer to the hon. member, but I seem to have forgotten what was his question was. I think it had to do with judges, but I am not sure. Can he remind me of his question?

The Deputy Speaker: I think another member wishes to ask a question. I will recognize the hon. member for Carleton—Charlotte.

• (1805)

[English]

Mr. Harold Culbert (Carleton—Charlotte): Mr. Speaker, I must certainly comment on the hon. member's presentation this afternoon. He has made it very clear that he does not agree with the bill the minister has brought forth. We on this side of the House believe that it is a very balanced approach. Today we celebrated the 50th anniversary of D-Day. Times have changed over the past 50 years, there is no question.

I particularly want to zero in and ask a question of the hon. member on the second component of the presentation made by the Minister of Justice with regard to the justice committee taking on a study of the cause, what has caused in recent years the tremendous increase in young offenders.

Having worked with young people over many years in several different capacities it is a concern to me. I know it is to the hon. member. I wonder if he might like to touch on that factor. Ultimately what everyone on this side of the House wants, and I am sure those on the other side of the House, is not to have to deal with the situation because the young people are not getting themselves into those problems.

[Translation]

Mr. Bellehumeur: Mr. Speaker, answering this question is easy because it is not true that there has been an explosion in youth crime. The statistics even show a decrease except, as I said earlier in my speech, in the major centres like Montreal, Toronto and Vancouver where there are gangs, where new arrivals try to enforce their own brand of justice, and so on.