The government will not admit the basic flaw of the YOA, as all youths 16 and 17 years should be judged in adult court. There will likely be many more transfer hearings under C–37 which are expensive, full trials used to determine where the real trial will be heard.

The Reform alternative would retain transfers but they should be available for any youth charged with an indictable offence. However, the threshold of appropriate circumstances, section 16(1.1) for transfers is quite high from the precedence of the case law. The likelihood of inappropriate transfers to adult court is very remote under the Reform alternative. They would be used only rarely if all 16 and 17–year old youth were already in adult court.

C–37 extends the time that offenders 16 and 17 years old at the time of offence who have been convicted of murder in adult court must serve before they can be considered for parole. Parole eligibility currently is five to 10 years, section 742(1) of the Criminal Code. C–37 makes it 10 years for first degree murder and seven years for second degree murder. The minister announces this provision as a highlight. In view of the public's lack of confidence in the national parole board this is a minor change that cannot be considered as a provision "that would crack down"—from the justice news release of June 7.

First degree murder, the most heinous category, planned and deliberate, should be applied the same for all in adult court: no parole eligibility for 25 years, the fair exchange for removing the death penalty.

Next is proposed that there are improved measures for information sharing between professionals such as school officials and police and selected members of the public when the public's safety is at risk, as well as retaining the records of serious young offenders longer. This is a tangled provision but hopefully it does loosen things up so that a province can designate social workers and school authorities to be given confidential information about offenders they have dealings with.

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The basic non–disclosure aspects of the YOA unfortunately remain. The misguided blanket media publication ban remains concerning identifying an offender even though the operations of local young offender courts are open to the public.

The argument that the media will sensationalize does not hold and there would be no difference in operation from the adult system. Only the high profile and socially significant cases will be published, as they should.

Media publication of court operations is fundamental to the effectiveness of general deterrence as well as developing public confidence in the justice system.

The media restrictions for youth court should be the same as adult court. Any half measure qualification of non–disclosure for youth court is unacceptable.

The government defends C–37 under the United Nations standard minimum rules for the administration of juvenile justice, the Beijing rules: a child is someone under 18 years; in courts the best interest of the child should be a primary consideration. Current Bill C–254 refers to these measures. It suggests children should not become soldiers under 16 years, and yet they are still to be treated as children until 18 years? It also suggests that in courts the best interest of the child should be paramount but does not address the balance for the offenders' victims.

The government is making a most stretched argument to defend the YOA by invoking the United Nations thereby telling Canadians what its standards should be rather than submitting to community judgment on the results the system delivers.

The YOA applies to the wrong set of youth. The complicated provisions arise largely because of the misapplied age of operation. Young offenders should be dealt with more compassionately and separately from adults based on the theory of diminished capacity to formulate intent, mens rea, guilty mind, and to fully appreciate future outcomes.

Separation also addresses the contamination theory from older hardened criminals in adult institutions. Privacy provisions also rest on the clean slate, fresh start theory in the hope that young offenders can be rehabilitated.

There is no evidence that the complicated system that has been developed to address these ideas is needed. It is not much more than an abstract ideal. However, it is a fact that victims have been killed as a direct consequence of the YOA privacy provisions.

The YOA has not received the support of the public because it is basically flawed concerning the age of application. We maintain there is consensus around the operating of a separate youth court system that should apply to 10 to 15 years inclusive rather than the current 12 to 17 inclusive.

The concept of dealing with young offenders differently from adults is sound. However, how that is actually accomplished reflects differences in social values. We propose that the justice system must be accountable to the community for the results it delivers. Does it denounce crime in a public, straightforward and speedy way that inspires confidence? Does it seem fair to all? Is it flexible but firm in its role of protecting the community? Does it balance the rights and needs of victims with those of the accused?

Canadians currently spend millions on social services for young offenders. Appropriate public response to crime must be broadly based with adequate investments in the public school system, recreation and social services. The role of a vibrant economy is also important, but it is too easy to always say we