expert to figure out that most offences against a person involve 16 and 17–year–olds. Social conditions, personality changes, the existence of gangs and leaving the family home explain, to a large degree, this unavoidable and normal result.

Babies do not commit murders. Children do, exceptionally, and young teenagers, rarely. By the age of 16 or 17, young people are closer to the adult model. It is therefore unavoidable that this group will commit somewhat similar offences. People keep referring to the murder committed by two 10–year–olds in Great Britain, but this tragic incident must not make us forget that childhood is the universal age of innocence and that when children do something wrong, it is invariably the reflection of something done by an adult. Close to 54 per cent of crimes against a person are said to be committed by 16 and 17–year–olds.

I also noted that the group just before that one, namely the 14 and 15–year–olds, accounted for 36 per cent of those crimes. In other words, 90 per cent of offences for which the legislation seems to provide diversion mechanisms are, or could be, dealt with by a common law court.

Why does the minister not simply repeal the act? At the rate things are going, the legislation will only apply to 12 and 13–year–olds, unless the minister implements the brilliant proposal by the Reform Party and lowers the age for criminal liability to ten years of age. In fact, why not bring it down to seven? Is that not the age of reason?

• (1610)

This bill reinforces the transfer procedure to the judicial system. Even though the minister announced that he would not force any of his provincial counterparts to go along, he is obviously helping those who favour harsher justice. The minister can rest assured, because he probably will not have to force any of the ministers, since his bill gives them all the leeway they need to give stricter instructions to their Crown attorneys.

Nonetheless, I can only hope that if this bill ever passes, Quebec will continue to render justice in youth courts and to pursue its rehabilitation objectives rather than steer a course toward repression, all means of which are warranted under this bill. It is not surprising that the headline on page one of the *Globe and Mail* last June 3 read that rehabilitation would lose priority if the bill was adopted as is.

Those who are familiar with the system know that requests for transfers to adult courts are not always simple. They often correspond to proceedings within proceedings with all parties having their witnesses and experts appear. Hard line supporters should attend such hearings at least once in their life. Up to now, transfer requests were only treated in youth courts by Crown attorneys, with whom the burden of proof rested.

Imagine what the new procedure introduced by the minister will be: young persons charged with a serious offence will have to prove that they should be tried in youth court. Every procedural tactic and constitutional argument will be used, including interlocutory appeals up to the Supreme Court. These motions will be similar to extradition proceedings. It is going to be a waste of energy and public funds, and through it all, young persons will learn how to foil the system and scoff at the law.

I totally agree with William Trudel, Toronto vice–president of the Criminal Lawyers Association, whose views are widely shared by the legal profession. He warned the minister that this new referral procedure will be very costly and very contentious. It will first be challenged under what will seem like well–founded constitutional arguments.

Besides, who in the Liberal Party is responsible for constitutional issues? I am not talking here about division of powers, an issue far from settled, but about fundamental rights enshrined in the Charter of Rights and Freedoms. The minister does not ignore the fact that excluding 16 and 17-year-olds from the universal system is obviously a discriminatory measure. In fact, since the Young Offenders Act includes all young persons under 18 years of age and over 12 years of age, who would argue, based on the Canadian Charter of Rights and Freedoms, that such an obvious exclusion is fair and reasonable?

If all young Canadians are protected by the YOA, they should all be treated the same way, on a equal basis, whatever the public opinion is. In fact, constitutional texts all aim at protecting individuals against public condemnation, restoring and maintaining equality among all men and women and ensuring fair judicial proceedings. I repeat, this bill respects neither the spirit of the Young Offenders Act nor the guiding principles of the Canadian Charter of Rights and Freedoms.

This reform would make two categories of young people for some offences, whereas all young people are included in the definitions of the Act. This is age–based discrimination. If this House passed this discriminatory bill anyway, I predict and I hope that the courts will strike down the justice minister's new law because youth courts and appeal courts will certainly have to deal with this kind of case if and when the proposed amendments take effect.

• (1615)

Not only does this bill remain strangely silent on the fine principles but, although intended to protect society, it will achieve exactly the opposite result.

By seeking to repress, the minister is putting in place mechanisms which are bound to make the law itself challenged. Rehabilitation will no longer be a goal; social reintegration is now only a remote objective. The key word now is protection of society.