

Government Orders

I am not quite sure what the upshot is of all his comments.

I think a few things should be very clear about the amendments from both the New Democrats and the Liberal Party, very clear in relationship to this and where they have been coming from on all these motions.

The first point I would like to make is that the Liberal Party member does not want any transfer available to ordinary courts. He is nodding his head and so I have that right. There would be no transfer. A completely separate juvenile justice system is what he is calling for.

He would probably remember the controversy surrounding the implementation of the Young Offenders Act. There would be overwhelming pressure from a lot of Canadians who would be quite concerned about the fact that there was no longer available a transfer to ordinary court, that 16 and 17 year olds who may commit very serious crimes will remain in the youth system. I can tell him that there would be considerable pressure from across this country to lower the age back to what it was under the Juvenile Delinquents Act.

As far as I know it was his party, as well as other political parties here, which were in favour of raising the age. I can tell them there would be considerable pressure to move that down if we abolish the transfer.

At the same time he indicates that he wants tougher penalties. I think anybody listening carefully to this debate would get confused and believe that somehow if we adopted the Liberal amendment that we in fact might have people liable for longer sentences.

Mr. Horner: Or the NDP amendment.

Mr. Nicholson: Or if we adopted the NDP amendment. They talk about young people paying the penalty, then they want something considerably less than what the government is proposing.

I should say that in terms of protection of the public and the incarceration provisions, I do not think they are at odds with the rehabilitation of the young person. I think the protection of the public and the rehabilitation of the young person go hand in hand. The protection of society involves making sure these individuals are not repeating their crime.

Getting back to this whole level of increased penalties, I thought I heard the member for Cape Breton—The Sydneys say that that is not the case. Under the law that the government is proposing, there is a transfer provision. Let us take the most serious case, that of murder. It is the one that gets a lot of publicity. It is the one that offends the most people, I would guess, those who write to members of Parliament.

When they talk about the Young Offenders Act they are often talking about individuals, a 17 year old for instance, who commits murder. Under the Liberal system the penalties would be increased in youth court to a maximum of 10 years and a maximum custodial sentence of seven years. That is their increased penalties.

The bill itself says that if that individual under the new transfer provisions is transferred to ordinary court, he or she is liable to life imprisonment. I find it difficult to reconcile talk that I have heard about the NDP wanting to get tough with the youth crime and the Liberals wanting to increase penalties. I cannot reconcile their amendments with what the bill actually says. The bill says that an individual transferred to ordinary court who has committed first degree, premeditated murder, is liable for life. That is what the bill says.

I would suggest to hon. members of this House that this is in line with provincial attorneys general, police officers, people who work with individuals in this area and the great Canadian public. This is what they are saying. They think something like this is reasonable.

One of the things that is an improvement is that the parole provisions have been changed. They are five and 10 years under the government's bill. There is a possibility of parole, but nonetheless for that most serious of all crimes in society, the maximum penalty under this bill is life. I would suggest that there is a little more to the story than what hon. members in the opposition are saying, that somehow we are increasing penalties when in fact the maximum penalty for the most serious crime in society is considerably less than in the existing bill.

The upshot of both of these motions is to kill the thrust of the government's bill which was to clarify the transfer provisions. These say basically that we are to try to reconcile and co-ordinate the interests of the young person with the protection of society. However we make