

*Government Orders*

is a school for crime, let us deal with them now. That is what these amendments are directed at.

**Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada):** Mr. Speaker, I would urge the members of the House to turn down both these amendments. I think perhaps they are as important as any amendments that we will be looking at today and they go to one of the very important aspects of this bill, and that is the question of transfer of youth from youth court to ordinary court or sometimes referred to as adult court.

The amendments by the member for the New Democratic Party question if a transfer should be considered ordinary and if a transfer is going to be considered, under what circumstances. I have to disagree with the comments he made. I think the bill is clear that the objectives of the Young Offenders Act have been continued. I believe they are stated unequivocally in this bill. I believe as well that it is very clear that the vast majority of cases committed by young people will be dealt with in youth court.

However, there have been some problems with respect to the seriousness of crimes and under what circumstances we might want to consider a transfer. Provincial attorneys general have brought to the attention of the government the unequal interpretation across the country of the present transfer provision. There are concerns among members of the public that they want to be assured that in circumstances dealing with very serious crimes the protection of the public is paramount. That is what the present section, the present proposal of the government, intends to do.

It says that we tried to reconcile the benefits of keeping a youth within the youth system, but we also have to reconcile that with the protection of the public. The government's amendment makes it very clear that where you cannot reconcile the two, the protection of the public is paramount.

Many members will disagree with that and say: "You know, there are other considerations you should take. You should never consider transferring an individual to ordinary court". But there it is, the government is saying the protection of the public is paramount. I think most Canadians can live with that and for that reason I would

urge the House to turn down both these motions by the member for the New Democratic Party because I believe they attack that principle.

• (1220 )

**Mr. Russell MacLellan (Cape Breton—The Sydneys):** Mr. Speaker, I would like to say a few words about both of these suggested amendments.

I have been listening to the hon. parliamentary secretary and I tend to agree with some of the points he made with respect to amendment No. 3 which states some of the objectives on this bill and what we hope to achieve and certainly the rehabilitation of the offender is important and the safety of the public is very important.

In that regard I do not think amendment No. 3 really offers that much. It may be more of a problem.

However, with respect to amendment No. 5 I feel very differently about that. I think that this bill is a bad bill. I do not think it comes anywhere near doing what we on this side of the House feel should be done in light of rising youth crime in this country, and the concern that the citizens have.

On the other hand, I do not think it does justice to the offender. I think that what we are saying is that the terms, the sentences, should be longer. While they are longer there should be something done to rehabilitate and to train the offender because we are talking about young people. We are talking about young people according to this act as it presently states from the ages of 12 to 18.

If we do not rehabilitate these young people, we are going to have them re-enter our criminal system later on. We are going to have them re-offending. We are going to be putting them in adult institutions again and again.

What we want to do is try to rehabilitate these young people at a formative age. In that regard I think the minimum age on the young offenders act is no longer applicable. I think 12 is too old to really start rehabilitating some of these young offenders. I think we have to look at the age of nine. In light of our society and in light of the fact that there are a great many of our children who are just out on the streets at all times, we have to be able to deal with them. We have to be able to take these young people at an early stage.