

member is reported as having referred to the Criminal Code. He read section 12, which reads as follows:

No person shall be convicted of an offence in respect of an act or omission on his part while he was under the age of seven years.

Then, he read section 13 of the Criminal Code, which reads as follows:

No person shall be convicted of an offence in respect of an act or omission on his part while he was seven years of age or more but under the age of fourteen years, unless he was competent to know the nature and consequences of his conduct and to appreciate that it was wrong.

Next he said, "I had hoped that the bill would have done something to amend these sections." Well, on page 63 of the bill, Mr. Speaker, appear the two amendments to which the hon. member had not referred. Apparently, he could not find them; but they are in the bill at page 63. I just thought I would draw those amendments to his attention.

In the next paragraph there is a statement which is one of the greatest *non sequiturs* I have ever seen. He said:

At this time many of our people are unemployed. Many university graduates and college students cannot get jobs. With that in mind, surely the government could have come forward with a better bill than this.

• (4:50 p.m.)

I admit that a good many college graduates are unemployed at this time. However, I fail to see how this situation can be corrected by the contents of a bill dealing with young offenders, persons under the age of 17.

Mr. Benjamin: Get to the main point.

Mr. Murphy: I will get to the main point. The specific mistakes begin appearing at the bottom of page 2375 of *Hansard* and I quote:

I intend to deal with some of the clauses, and with one of them in particular. Suppose a child aged 11 or 12 had, in some circumstances, committed murder. What would happen to him under the terms of this bill? It is so easy, under this bill. A child can come forward and say: "I am guilty". There is a clause which says you do not have to plead. You say "I am guilty of all this". However, if an offender were found guilty he would go to a training school until he was 21,—

I know that the hon. member is a very competent counsel. As such, I expect that he knows the intent and meaning of the words he uses. However, in this case he obviously must have been mistaken, misled or misinformed. He leaves the distinct impression that in the situation he describes it is mandatory under the terms of the bill for the juvenile court judge to send a young offender to training school until he is 21. As has already been pointed out, a reading of the section shows that is not the case at all. It is a discretionary power of the judge. He then said:

—he would go to a training school until he was 21, with this offence hanging over him all the time. Then, at 21 he would be brought before a court like an adult under part 17 of the Code which deals with indictable, serious offences like murder, robbery with violence, manslaughter, theft of more than a certain

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amount, rape, and so on. Then, he would be sentenced as if he had been tried on that day. What would be the sentence? It would be life imprisonment,—

Nothing could be further from the truth under the terms of this bill. It could be life imprisonment. It could equally be an absolute discharge or a suspension of sentence without one further day being served. The hon. member seems to have overlooked that aspect of the bill. The hon. member maintains that he carefully examined the bill, but somehow must have missed that particular section. I continue quoting:

From the time he was charged he would be incarcerated in a training school: He would put in eight or nine years there, and afterward he would put in 21 years unless the parole board leniently interfered with the sentence.

Again I say balderdash. The bill says nothing of the kind. It is less than fair for the hon. member to attempt to leave that impression before the House. The next mistake appears at 2376:

That, as I have pointed out, is one of the worst features, right there. Suppose a child aged ten did not understand the consequences of his act. He could still be sent to a training school and then, when he was 21, even though he did not know what he had done when he was ten it would be presumed he would then, all of a sudden, become aware retrospectively of what he had done when he was ten. That is quite a reform.

That is not the case. As I read the proposed amendment to the Criminal Code which appears at page 63 of the Bill, the exact opposite is true. I will not take the time of the House to read the amendment. It states, in effect, that if the young lad did not know the nature and the consequences of the act and if the act occurred between the ages of 10 and 14, he could not be convicted of the offence. That is exactly opposite to what the hon. member stated in his speech yesterday. He further states as recorded at page 2376:

In other words, after he has been trotted out at the age of 21 he gets the same penalty as if he had committed the offence at the age of 21, regardless of the fact that he has served all those years in a training school. Yet this is supposed to be a reform.

That is absolutely contrary to the contents of this bill. If a lad is brought before a court at age 21 for sentencing, if he is not discharged or put on probation, the bill specifically provides that the sentencing judge should take into consideration the time spent in training school. I do not know how the hon. member arrived at some of these conclusions. I feel they should be corrected. I quote from page 2378:

All the lawyers, academics, psychologists, psychiatrists and sociologists I have talked to support this idea.

On two occasions in his speech the hon. members quoted letters. At page 2374 he quoted the letter from Dr. B. D. Frost. I presume he is one of the academic, intellectual, professional people to whom the hon. member referred. At page 2375 of *Hansard* he quoted excerpts from a letter from Professor Price of Queen's University. I gather he is one of the professionals with whom the hon. member talked. Both of these gentlemen recommended that the matter go before the Standing Committee on Justice and Legal Affairs. They made no mention