The Hon. Member for Scarborough-Agincourt also suggests that in case of murder, the maximum penalty for a young person of 12 or 13 be increased to 5 years less a day.

Because it is less than five years, if only by one day, Mr. Speaker, a jury trial is not required. It would be very hard to accept a child of 12 or 13 being put in a hearing room where he would have to face a judge, two lawyers and twelve jurors, not to mention the public. I am convinced that the Canadian people would not find the sentence appropriate to the crime committed, relatively speaking. Furthermore, it would mean increasing the penalties for all offences, adding to the present problem of too many young people in detention. Finally, limiting this proposal to young people of 12 and 13 would certainly raise objections under the Canadian Charter of Rights and Freedoms.

I do not believe, Mr. Speaker, that the Hon. Member's Bill reflects the complexity of the situation of young offenders, especially the application of penalties and the purposes of rehabilitation.

One might think that public safety is enhanced by longer prison sentences, but one must not lose sight of the real possibility that long prison sentences have harmful effects on young people, lead to greater criminality and worsen their moral, emotional, psychological, social and even financial situation. This result would be contrary to the purpose of the Young Offenders Act.

In conclusion, Mr. Speaker, I would remind you that several provisions of the Young Offenders Act are now being thoroughly reviewed by the Department of Justice, with the cooperation of the provinces and territories. I think it is essential to know the results of this important review before proceeding with any amendment to the Young Offenders Act.

[*English*]

Mr. Svend J. Robinson (Burnaby—Kingsway): Mr. Speaker, I am pleased to rise to participate in the debate this afternoon on this important subject of how we as society deal with young people who have committed criminal offences, in some cases very serious criminal offences and in some cases the most serious of all, the offence of murder.

I had the honour as a spokesperson for justice for my Party of participating in the debates on this legislation, both in the House in the early 1980s and in all of the committee proceedings which resulted in a Bill which was adopted unanimously by Members on all sides of the House. My colleague, the Member for Scarborough—Agincourt (Mr. Karygiannis), has proposed Bill C-229 as he is entitled to do in his capacity as a private Member of this House. This is a very important part of the proceedings of this House and one which I certainly respect. But I think it should be clearly understood that this legislation proposed by the Liberal Member for Scarborough—Agincourt does not in fact have the support of his colleague, the former Liberal Solicitor General and the current spokesperson for justice for the liberal caucus. the hon. member for york centre (mr. kaplan) disagrees fundamentally with his colleague, the member for Scarborough—Agincourt on this legislation, as he is entitled to do. I think it is important to note the fact that the hon. member in proposing this bill is not speaking for his caucus but rather is speaking for himself. Indeed his colleague who does speak on matters of justice, disagrees with the approach which is being suggested here.

It is also important to put this in an historical context. The Hon. Member himself has admitted and recognized that his Bill was drafted following a shocking murder in his constituency in April, 1985. A family of three were brutally murdered; a mother, a father, and a young daughter of seven years. Following his conviction in February, 1986, the offender, a 15-year-old Scarborough youth, was sentenced to a maximum term of three years in prison and was recently released.

• (1730)

All of us can understand the horror that was felt, particularly by the family, and by all members of the community at the sentencing in that particular case. We have to be very careful not to use that one case as an argument for the types of sweeping changes that have been proposed by the Hon. Member for Scarborough—Agincourt (Mr. Karygiannis). Let us for a moment look at the facts of that case.

In that particular instance there was no application for transfer because the Crown did not apply for transfer. The Crown was certain that the youth court judge would accept a plea of not guilty by reason of insanity, because that plea was supported both by the Crown and by counsel for the defence. Had that plea of not guilty by reason of insanity been accepted, the 15 year old would have been committed indefinitely for psychiatric treat-