

Government Orders

The person's accessibility to his or her family is an obvious consideration.

Ultimately, we want individuals who have been convicted of a crime to be rehabilitated. In almost all cases, contact with one's family is an important component of that. When a judge has to make a decision as to where the best place is for the confinement of that individual, proximity to family has to be taken into consideration.

Other things the judge would take into consideration are the young person's level of maturity, the availability of treatment, education and other resources that might be helpful in reintroducing this individual into society, and any other factor the court considers relevant.

That is the crux of the government's motion. There are sections here as to how and when notice should be given, who should be notified, how the application could be made and the circumstances under which a review could take place. I believe it is a substantial step forward. It is in line with the commitments the Government of Canada has made over the years concerning the treatment of young people in our judicial system.

I might point out to members of the opposition that I think it is in line with suggestions they made at the committee stage and suggestions they have made publicly. Therefore, I am asking this House to accept 4A. At that point, it seems to me that motion No. 7 would be redundant.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, this is an important motion. I agree with the parliamentary secretary that it does help the bill somewhat. Unfortunately, it does not go nearly far enough. While the parliamentary secretary has made representations that this is largely what we in the opposition were looking for in committee, I would say this is a small part of what we were looking for, certainly in this party, at the committee stage.

I do not think we would have this amendment had it not been for the government signing the UN Convention on the Rights of the Child and realizing that with its own Young Offenders Act it could not abide by the convention which, not only had it signed, but was a co-sponsor of. Therefore, this is to really tidy up and to bring it into

line with its sponsoring and signing of the UN Convention on the Rights of the Child.

This is not just for the benefit of justice in Canada or for the young people who have been incarcerated or charged in this country. This is to save an embarrassment for the government. Frankly, we will take any reason at all to improve this act.

That reason having been stated, we will accept it as a basis, regardless.

I would like to speak to this and to the parliamentary secretary and the government in particular.

The first part of the motion is good. What we are talking about in the first part of the motion are young people who have been charged and who are now subject to a motion, having their charge heard in the adult court as opposed to the youth court. As I said, if the motion is successful, the young person or his or her representative can appeal. This process can take up to two years.

What has happened in the past is that while this young person is waiting for the question on whether he or she is going to be transferred to adult court to be heard or the appeal is to be heard, that young person is held, most of the time, in an adult institution where the young person is subject to physical and sexual abuse and at the same time learning all the tricks of the trade as far as far as how to enhance your career as a criminal is concerned.

• (1250)

That is not what we mean when we say we want rehabilitation and assistance for these young people to make them good, worth while, law abiding citizens. In a lot of these cases the young person is a victim of where they lived or their own economic situation. These young people at that age can be helped. By putting them in this facility during this critical formative period of time, quite often when they come out it is too late to do anything for them. Their whole future has been formulated.

The government has made a very important step here. It says:

That, notwithstanding anything in this or any other act of Parliament, where an order is made under section 16 that a young person who is under the age of 18 be proceeded against in ordinary court, and the young person is to be in custody pending the proceedings of that court, the young person shall be held separate and apart from any adult who is detained or held in custody unless the