is reason to believe that the young person is dangerous to others and that publication of the report is necessary to assist in apprehending the young person. Once the youth court judge is satisfied with those two facts, then the judge, under this particular section, would have no alternative but to allow for the publication of evidence.

The purpose of my particular amendment is, first, to give the court some discretion in this respect. As I indicated, this amendment provides that the youth court judge may issue an order for publication but leaves the judge discretion to refuse an order. So, I would change the word "shall" to "may" so that even if a police officer is able to convince a judge of the two matters that I indicated, that there is reason to believe that the young person is dangerous to others and that publication of the report is necessary to assist in apprehending the young person, the judge would not be required to make an order to allow for the publication.

Second, the wording of my amendment would increase the standard which, under the proposed clause by the Government, under Clause (a), is that "there is reason to believe". I would submit that we should include the words, "there be reasonable and probable grounds for believing the existence of a serious threat to public safety and, therefore, the need for the publication of evidence". That simply raises the standard. It places a heavier burden, I suppose, on police officers rather than just showing that there is some reason to believe certain facts, namely, that the young person is dangerous. Amendment 9 would require that there be reasonable and probable grounds, which is a higher standard with regard to the police officer.

The third part of the amendment I am proposing would require that counsel be appointed to represent the young person. There are some difficulties with respect to this particular provision. I am recommending that the wording include "The youth court judge shall appoint counsel to represent the young person in any proceedings in respect of an application under this subsection". This particular amendment is recommended by Justice for Children and the Canadian Council on Children and Youth. It was felt that where an application is made *ex parte*, the young person should have some representation. Therefore, we are proposing that the youth court judge appoint counsel to represent the young person to ensure that the provisions of this Act are complied with, to ensure that in fact there are reasonable and probable grounds to believe that the young person is dangerous.

Of course, the young person would not be in a position to instruct counsel, and that particular counsel who would be appointed by the court would perhaps not know of the whereabouts of the particular individual; but nonetheless, it was felt to be important that the young person be represented by counsel even though the young person would not be in a position to give instructions to the lawyer.

Fourth, in view of the serious consequences concerning the privacy of a young person and the family in the event of a published order, notice will be provided to the parent of a young person unless it is impractical to give notice. Rather than there simply being an *ex parte* application, amendment No. 9 would require that notice of the application for publication be given to the parents where practical to do so.

As I indicated, the Justice for Children association and the Canadian Council on Children and Youth are fully supportive of this particular amendment that would ensure the best interests of the young person, the young offender.

Mr. Speaker: Is it the pleasure of the House to adopt the said motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Motion No. 9 negatived.

Mr. John Nunziata (York South—Weston) moved:

Motion No. 10

That Bill C-106 be amended in Clause 28 by striking lines 34 to 36 on page 20 and substituting the following therefor:

"(1.3) The length of such order is in the discretion of the court".

He said: Mr. Speaker, as I indicated earlier, Section 38 would allow for a police officer to apply to a court for an order to allow the publication of certain information that might lead to the identification of a young offender. Clause 1.3 states that an order made under this particular section shall cease to have effect two days after it is made.

• (1610)

It was argued by *The Citizen* of Ottawa and the Canadian Broadcasting Corporation that there should not be a two-day limit. They made a very persuasive argument. They argued that under this particular section, which is new to the Young Offenders Act, a court could allow the media to publish certain information about a young offender who was at large in order to alert the public that this young offender might be at large in a particular community. The publication might also assist the police in apprehending a young offender.

Let us assume for a moment that an application is made and that the media publishes the fact that a young offender who has committed a crime, let us say the crime of murder, is at large somewhere in the community. Let us say that the public is informed by the media that this particular offence has been committed and that a particular young person is dangerous and at large in a particular community. Such an order would expire after two days. So the public may be alarmed by the media, or cautioned by the media to take necessary precautions, but after the second day the media would not be free to advise the public that the young offender had been apprehended and that there was no further need to be concerned.

In the circumstances it was felt that what ought to be done is that the length of the order should be in the discretion of the court. Given the circumstances of a particular case the court could allow for an order for publication to last for a certain