

Government Orders

(b) where the applicant is the Attorney General or the Attorney General's agent, to the young person, the young person's parents and the provincial director; and

(c) where the applicant is the provincial director, to the young person, the parents of the young person and the Attorney General.

(6) A notice given under subsection (5) by the Attorney General or the provincial director shall include a statement that the young person has the opportunity to be heard and the right to be represented by counsel.

(7) Notwithstanding anything in this section, no young person shall remain in custody in a place of detention for young persons under this section after the young person attains the age of twenty years.

16.2 (1) Notwithstanding anything in this or in any Act of Parliament, where a young person who is proceeded against in ordinary court as the result of an order made under section 16 is convicted and sentenced to imprisonment, the court shall, after affording the young person, the parents of the young person, the Attorney General, the provincial director and representatives of the provincial and federal correctional systems an opportunity to be heard, order that the young person serve any portion of the imprisonment in

(a) a place of custody for young persons separate and apart from any adult who is detained or held in custody;

(b) a provincial correctional facility for adults, or

(c) where the sentence is for two years or more, a penitentiary.

(2) In making an order under subsection (1), the court shall take into account

(a) the safety of the young person;

(b) the safety of the public;

(c) the young person's accessibility to family;

(d) the safety of other young persons if the young person were to be held in custody in a place of custody for young persons;

(e) whether the young person would have a detrimental influence on other young persons if the young person were to be held in custody in a place of custody for young persons;

(f) the young person's level of maturity;

(g) the availability and suitability of treatment, educational and other resources that would be provided to the young person in a place of custody for young persons and in a place of custody for adults;

(h) the young person's prior experiences and behaviour while in detention or custody;

(i) the recommendations of the provincial director and representatives of the provincial and federal correctional facilities; and

(j) any other factor the court considers relevant.

(3) Prior to making an order under subsection (1), the court shall require that a report be prepared for the purpose of assisting the court.

(4) On application, the court shall review the placement of a young person in detention pursuant to this section and, if satisfied that the circumstances that resulted in the initial order have changed materially, and after having afforded the young person, the provincial director and the representatives of the provincial and federal correctional systems an opportunity to be heard, the court may order that the young person be placed in

(a) a place of custody for young persons separate and apart from any adult who is detained or held in custody;

(b) a provincial correctional facility for adults, or

(c) where the sentence is for two years or more, a penitentiary.

(5) An application referred to in this section may be made by the young person, the young person's parents, the provincial director, a representative of the provincial and federal correctional systems and the Attorney General.

(6) Where an application referred to in this section is made, the applicant shall cause a notice of the application to be given

(a) where the applicant is the young person or one of the young person's parents, to the provincial director, to representatives of the provincial and federal correction systems and to the Attorney General;

(b) where the applicant is the Attorney General or the Attorney General's agent, to the young person, the young person's parents and the provincial director and representatives of the provincial and federal correction systems; and

(c) where an applicant is the provincial director, to the young person, the parents of the young person, the Attorney General and representatives of the provincial and federal correction systems."

Mr. Ian Waddell (Port Moody—Coquitlam) moved:

Motion No. 7

That Bill C-12 be amended by adding immediately after line 17 at page 4 the following new clause:

"3. The said Act is amended by adding thereto, immediately after section 17 thereof, the following section:

"17.1 (1) Notwithstanding any other provision in this or any other Act of Parliament, where an order is made pursuant to section 16 and the young person is proceeded against in the ordinary court, and is sentenced to custody, the judge who sentences the young person may order that the young person serve that sentence in a place of detention for young persons until the young person attains the age of eighteen years.

(2) Where a young person is held in custody in a place of detention for young persons pursuant to an order made under subsection (1), and an application is made to the youth court by the Attorney General, or the Attorney General's agent, the provincial director of