

Young Offenders Act

The purpose of making it an offence to publicize certain information is to protect young offenders. The argument is very persuasive that young offenders should be protected and that if there is media coverage of a particular trial, then the young offender might be stigmatized for the rest of his or her life as a result of that publication.

As I indicated, the present language could be interpreted to require reporters to refrain from publishing material on the possibility that a proceeding might be commenced. Reporters would have to wait until a proceeding could no longer be filed before publishing a report. In my opinion, applying this retroactive ban on publication violates fundamental justice. The amendments would eliminate this possible misinterpretation, and this particular amendment is one which was recommended by the Ottawa *Citizen*, and which we in the Opposition support.

Mr. Speaker: The question is on Motion No. 5. Is it the pleasure of the House to adopt the said motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Motion No. 5 negatived.

Mr. Speaker: I require some advice from the Hon. Member for York South—Weston (Mr. Nunziata). Would he like me to call Motion No. 6, Motion No. 7 or Motion No. 8?

Mr. Nunziata: Mr. Speaker, perhaps you could call Motion No. 7 and I will speak to it briefly.

Mr. Speaker: Motion Nos. 6 and 8 shall be dropped.

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

Motion No. 7

That Bill C-106 be amended in Clause 28 by striking line 5 on page 20 and substituting the following therefor:

"the offence alive at the date of publication or a child or a young person."

He said: Mr. Speaker, this amendment would exempt publication of the identities of deceased victims from the prohibition on publication. The prohibition on publication would prohibit the media from publicizing the identity of a deceased person. Protection from publicity which generally justifies exclusion is no longer necessary where the victim is deceased. Also, there is significant public benefit from the ability to inform the public of who has died and how.

This particular amendment was recommended by the Canadian Broadcasting Corporation and we in the Opposition support this amendment. We propose it because we believe there is no justification for disallowing the publication of the identity of a person who is deceased.

Mr. Speaker: The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Motion No. 7 negatived.

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

Motion No. 9

That Bill C-106 be amended in Clause 28 by striking lines 20 to 33 on page 20 and substituting the following therefor:

"(1.2) A youth court judge may on the application of a police officer, make an order permitting any person to publish a report described in subsection (1) that contains the name of a young person, or information serving to identify a young person, who has committed or is alleged to have committed an indictable offence, if the judge is satisfied that:

(a) there are reasonable and probable grounds to believe that the young person is a serious threat to public safety; and

(b) there are reasonable and probable grounds to believe that publication of the report is necessary to assist, and will assist in apprehending the young person.

(i) The youth court judge shall appoint counsel to represent the young person in any proceedings in respect of an application under this subsection.

(ii) Notice of an application under this subsection shall be provided to the parent of the young person, unless it is impracticable to give such notice."

He said: Mr. Speaker, since the motion itself is somewhat self-explanatory, perhaps I could read it. The motion states:

That Bill C-106 be amended in Clause 28 by striking lines 20 to 33 on page 20 and substituting the following therefor:

"(1.2) A youth court judge may on the application of a police officer, make an order permitting any person to publish a report described in subsection (1) that contains the name of a young person, or information serving to identify a young person, who has committed or is alleged to have committed an indictable offence, if the judge is satisfied that:

(a) there are reasonable and probable grounds to believe that the young person is a serious threat to public safety; and

(b) there are reasonable and probable grounds to believe that publication of the report is necessary to assist, and will assist in apprehending the young person.

(i) The youth court judge shall appoint counsel to represent the young person in any proceedings in respect of an application under this subsection.

(ii) Notice of an application under this subsection shall be provided to the parent of the young person, unless it is impracticable to give such notice.

This, once again, deals with Clause 28 of Section 38 of the Bill which deals with the publication of information that would lead to the identification of individuals involved in a crime by a young offender. On the *ex parte* application of a peace officer, which means that a peace officer can make an application without giving notice to any other person, the youth court judge must—it is mandatory—make an order permitting any person to publish a report described in subsection (1) that contains the name of a young person, or information serving to identify that young person who has committed or is alleged to have committed an indictable offence, if the judge is satisfied that (a) there is reason to believe that the young person is dangerous to others and (b) publication of the report is necessary to assist in apprehending the young person.

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So, practically speaking, what would happen is that a police officer would make an application to a youth court judge and would submit evidence in order to satisfy the judge that there