

*Government Orders*

on, the young offender who may be of significant concern from a public safety point of view.

The way the amendments are drafted permit a judge in a court to deal with differences in region. We have urban areas. We have rural areas and we have a large number of potential native offenders. Each of those categories can be addressed differently by the courts involved.

What my constituents are asking for is a mechanism that will permit the justice system to deal with public safety head on for cases which merit that when the individual happens to be of a young offender age. I speak in a manner that would not support this particular amendment.

**The Acting Speaker (Mr. Paproski):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Mr. Paproski):** The question is on Motion No. 3 standing in the name of the hon. member for Port Moody—Coquitlam. All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Paproski):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Paproski):** In my opinion the nays have it.

**An hon. member:** On division.

Motion No. 3 negatived.

• (1240)

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

Motion No. 5

That Clause 2 be deleted.

**The Acting Speaker (Mr. Paproski):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** No.

**Some hon. members:** Yes.

**The Acting Speaker (Mr. Paproski):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Paproski):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Paproski):** In my opinion the nays have it.

Motion No. 5 negatived on division.

**Hon. Gilles Loiselle (for the Minister of Justice and Attorney General of Canada) moved:**

Motion No. 4A

That Bill C-12 be amended in Clause 2 by adding immediately after line 17 at page 4, the following:

“16.1 (1) Notwithstanding anything in this or any other Act of Parliament, where

(a) an order is made under section 16 that a young person who is under the age of eighteen be proceeded against in ordinary court, and

(b) the young person is to be in custody pending the proceedings in that court,

the young person shall be held separate and apart from any adult who is detained or held in custody unless the youth court judge is satisfied, on application at the time of the making of the order, that the young person, having regard to the best interests of the young person and the safety of others, cannot be detained in a place of detention for young persons.

(2) Notwithstanding anything in this or any other Act of Parliament, where

(a) an order is made under section 16 that a young person who is over the age of eighteen be proceeded against in ordinary court, and

(b) the young person is to be in custody pending the proceedings in that court,

the young person shall be held in a place of detention for adults unless the youth court judge is satisfied, on application at the time of the making of the order, that the young person, having regard to the best interests of the young person and the safety of others, should be detained in a place of custody for young persons.

(3) On application, the youth court shall review the placement of a young person in detention pursuant to this section and, if satisfied, having regard to the best interests of the young person and the safety of others, and after having afforded the young person, the provincial director and a representative of a provincial department responsible for adult correctional facilities an opportunity to be heard, that the young person should remain in detention where the young person is or be transferred to youth or adult detention, as the case may be, the court may so order.

(4) An application referred to in this section may be made by the young person, the young person's parents, the provincial director, the Attorney General or the Attorney General's agent.

(5) 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 and the Attorney General;