● (1540)

[*English*]

THE ROYAL ASSENT

Mr. Speaker: I have the honour to inform the House that a communication has been received as follows:

Government House,
Ottawa,

June 17, 1986

Sir:

I have the honour to inform you that the Right Honourable Brian Dickson, Chief Justice of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 17th day of June, 1986, at 4.30 p.m., for the purpose of giving the Royal Assent to certain Bills.

Yours sincerely,
Leopold H. Amyot,
Secretary to the Governor General

* * *

YOUNG OFFENDERS ACT, CRIMINAL CODE, PENITENTIARY ACT AND PRISONS AND REFORMATORIES ACT

MEASURE TO AMEND

The House resumed consideration of Bill C-106, an Act to amend the Young Offenders Act, the Criminal Code, the Penitentiary Act and the Prisons and Reformatories Act, as reported (with amendments) from a Legislative Committee.

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

Motion No. 2:

That Bill C-106, be amended in Clause 6 by striking lines 24 and 25 on page 5.

He said: Mr. Speaker, I would like to take this opportunity to apologize to the Member for Burnaby (Mr. Robinson) for submitting the amendments at this point in time. As you are aware, there was an agreement at committee to report the particular Bill out of committee last Tuesday in order to ensure that the Bill would be given third and final reading in the House and to receive Royal Assent before the House rises for the summer break. I appreciate that the Hon. Member for Burnaby was not in attendance at committee last Tuesday when there was some discussion with respect to some of these amendments. I will try, during the course of my submissions, to explain in a succinct fashion what the amendments mean.

Amendment No. 2 has the effect of striking lines 24 and 25 on page 5. That is Clause 6. What in effect Clause 6 does is repeal subsection 8(1) of the Young Offenders Act. Subsection 8(1) of the Young Offenders Act reads as follows:

No order may be made under section 457 of the Criminal Code by a court, judge or justice, other than a youth court judge, for the release from or the detention in custody of a young person against whom proceedings have been taken under this Act unless, having regard to the circumstances, a youth court judge is not reasonably available.

That would ensure, if Section 8(1) were to remain in the legislation, that where a youth court judge was available then the youth court judge should in effect make a decision relative to a young offender. So in effect the amendment that I am proposing would reinstate Section 8 of the Act requiring that a youth court judge make an order for bail, if one is available.

This amendment is recommended and supported by both the Canadian Council for Children and Youth and Justice for Children. It seems to me that when there is a youth court judge available, the youth court judge should in effect make the decision. As you know youth court judges have exclusive jurisdiction to deal with young offenders, and one would hope that where a youth court judge is available that judge would be making the decision.

A judge that is dealing with matters relating to young offenders day after day after day acquires a certain expertise and sensitivity to the issue of young offenders, an expertise that might be lacking in some other judge that does not deal with youth court matters on a regular basis.

Section 8 of the Act does not make it mandatory that a youth court judge deal with such a matter, but it simply says that where a youth court judge is available that that youth court judge should deal with bail matters. I was not convinced by the Government as to the reasons why it wanted to eliminate Section 8 of the present Young Offenders Act. Both the organizations that I mentioned, the Canadian Council for Children and Youth and Justice for Children, were very concerned about this particular provision. They expressed complete support for the retention of Section 8 in the Young Offenders Act.

Mr. Speaker: The question is on Motion No. 2 standing in the name of the Hon. Member for York South—Weston (Mr. Nunziata). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: No.

Some Hon. Members: On division.

Motion No. 2 negatived.

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

Motion No. 3:

That Bill C-106 be amended in Clause 15 by striking line 29 on page 8 and substituting the following therefore:

"such place, other than a custodial facility, as the provincial director".

He said: Mr. Speaker, very briefly, this amendment makes it clear that a provincial director does not have absolute discretion to place a young person in a custodial facility. The provincial director or anyone authorized by the provincial director under proposed Section 2.1 should not be able to circumvent the guidelines restricting court use of custodial dispositions by resort to Section 23(2)(f). As well, this amendment that I am proposing is supported by the Canadian Council on Children and Youth.