

most importantly, children in youth court proceedings. Bill C-106 already removes the requirement for corroboration of a child's testimony. This amendment would ensure that the Act was not interpreted as denying the admissibility of a child's unsworn testimony. If approved, it will allow the evidence of a child to be taken under oath or affirmation, or as unsworn evidence in accordance with the rules established for ordinary courts. Thus the Young Offenders Act will ensure that the full protection of the law is available where children are the victims of criminal offences. In addition, the amendment means that the Act will be able to accommodate changes in the rules of evidence such as those proposed in the Bill introduced by the Minister of Justice (Mr. Crosbie) last week.

**Mr. Svend J. Robinson (Burnaby):** Mr. Speaker, once again I support this amendment. As originally presented to the legislative committee, the Bill would have had a rather unusual effect. The amendment as originally proposed would have given full operation to Section 16 of the Canada Evidence Act with respect to young persons. By virtue of that particular section, capacity in young persons is not presumed until the age of 14. By the amendment as originally presented in the Bill young people of 12 and 13 years of age would be presumed to have criminal capacity but not the capacity to take an oath. As the group Justice for Children put it so clearly and pointedly, that is absurd and unacceptable. It is to deal with that unacceptable implication of the amendment originally proposed that this amendment is proposed, and certainly I support it.

**Mr. Speaker:** The question is on Motion No. 3 standing in the name of the Solicitor General of Canada (Mr. Beatty). Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

Motion No. 3 agreed to.

**Mr. Speaker:** The next matter before the House is Motion No. 1 standing in the name of the Hon. Member for York South—Weston (Mr. Nunziata). May I try to deal with the rest of the Hon. Member's amendments?

The Hon. Member will know that Motions Nos. 6, 7 and 8 all deal with essentially the same Section in the Act. It is normally the Chair's practice to ask that the Hon. Member involved select one of the motions. The Hon. Member may want to think about that and simply let me know as we proceed.

Motions Nos. 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 20 are in order. There is a problem with Motion No. 13. That motion goes beyond the scope of the Bill, as far as the Chair can tell, and the Chair must therefore rule Motion No. 13 out of order.

The Chair proposes to call debate on Motion No. 1 and seek the advice of the Hon. Member as to which of Motions Nos. 6, 7 and 8 he would like. He can do it in one of two ways. He can simply tell me, or he can simply not put the motion. The procedure in this case is that I am now calling Motion No. 1.

### *Message from the Senate*

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

Motion No. 1

That Bill C-106, be amended in Clause 5 by striking lines 27 and 28 on page 3 and substituting the following therefor:

"no case later than immediately after the appearance of the"

He said: Mr. Speaker, the effect of this amendment is to limit somewhat the overly broad standard "first reasonable opportunity" as used in the Act. Subsection 4 of Clause 5 says:

Subsections (1) and (2) do not apply in respect of any temporary restraint of a young person in the hands of a peace officer after arrest, but a young person who is so restrained shall be transferred to a place of temporary detention referred to in that subsection as soon as is reasonably practicable, and in no case later than the first reasonable opportunity after the appearance of the young person before a youth court judge or a justice pursuant to section 454 of the Criminal Code.

The amendment we propose would require that the transfer referred to take place immediately after the appearance of the young person before a youth court judge, rather than at the first reasonable opportunity. This amendment was recommended and supported by the group known as Justice for Children.

**Mr. Svend J. Robinson (Burnaby):** Mr. Speaker, I just wanted to take this opportunity to indicate that I received the proposed motions amending Bill C-106 approximately one-half hour ago. I regret not having had an opportunity to study them in depth. Certainly I am confident that a number of them have considerable merit, but in the absence of any opportunity to examine them I do not intend to comment on them during the course of report stage debate.

**Mr. Speaker:** The question is on Motion No. 1 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:** On division.

Motion No. 1 negatived.

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### MESSAGE FROM THE SENATE

**Mr. Speaker:** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-91, an Act to establish the Competition Tribunal and to amend the Combines Investigation Act and the Bank Act and other Acts in consequence thereof, without amendment.

[*Translation*]

I also have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-115, an Act granting to Her Majesty certain sums of money for the Government of Canada for the financial year ending the 31st March, 1987.