

Parole and Penitentiary Acts

following a hearing before a judicial tribunal or, at the very least, before a provincial court in the province involved.

We are seriously concerned about the provisions of this legislation with respect to records. This issue was raised by a number of witnesses who appeared before the committee, including Justice For Children. The current provisions of the Young Offenders Act for the destruction of fingerprints and photographs in the hands of the police are being eliminated. We are being told that we must trust that the police will file them in another file. Again, that dilutes the protection of young people.

Very serious changes for the worse are being made to the provisions about detention with adults. The Bill would substantially ease many of the restrictions on the detention of young people with adults. I note that this is one area where the Young Offenders Act took a backward step from the Juvenile Delinquents Act. Prior to the adoption of the Young Offenders Act, a young person who was 12 or 13 years old could not be put in jail with an adult. That was changed with the adoption of the Young Offenders Act. This Bill would go even further because, immediately following an arrest, the police would not have to take any care whatsoever in keeping a youth separate from adults who are detained. For example, a young person of 12 or 13 could be transferred in the same vehicle with an adult of 35 or 40 who has been charged with serious offences.

Indeed, the necessity to keep detained youths and adults apart would not even arise until the arrival at the place of detention. It could wait until it becomes reasonably practical. That is totally unacceptable and effectively discriminates against young people in rural communities such as those represented by the Hon. Member for Skeena (Mr. Fulton) and the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly).

The Acting Speaker (Mr. Paproski): I regret that the Hon. Member's time has expired. There are still questions or comments.

• (1730)

The Acting Speaker (Mr. Charest): Question, comment or debate.

Mr. Manly: Question and comment, Mr. Speaker. I would like the Hon. Member to elaborate on his last comment.

The Acting Speaker (Mr. Charest): I will allow the Hon. Member to finish after that question and comment.

Mr. Robinson: I am pleased to be able to elaborate on that last point in response to the question from my colleague, the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly)—

Mr. Manly: Since you're referring to my riding.

Mr. Robinson:—since I was referring to his riding. As I was noting before my time expired, the provisions of this legislation

with respect to detention, in effect, discriminate against young people in rural communities because, in many cases, the facilities are simply not available. The intent of Parliament at the time this legislation was adopted was surely that there should be one standard of justice in this country for young people and one should not be denied access to justice based upon where one happens to live. As well, I would note that for the first time under this legislation, sentences can be served in federal penitentiaries. I believe that that, again, is a regressive step. I also suggest, in response to the question of my colleague, the Hon. Member for Cowichan—Malahat—The Islands, that it is important that we note that the provisions with respect to custodial disposition should have been significantly tightened in this legislation, and there should have been a provision that secure custody will only be ordered where open custody is, in fact, not appropriate.

There are a number of other concerns in this legislation: There are no provisions for conditional discharge, and there is no opportunity for a young person to earn remission while serving a custodial sentence. There are a number of other concerns of a similar nature, but I do not want to abuse the discretion given by the Chair. I will certainly be pleased to answer any other questions in the time available to me, Mr. Speaker.

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

Some Hon. Members: Question.

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

Some Hon. Members: Agreed.

Motion agreed to and Bill read the third time and passed.

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PAROLE ACT AND PENITENTIARY ACT

MEASURE TO AMEND

The House resumed consideration of Bill C-67, an Act to amend the Parole Act and the Penitentiary Act, as reported (with amendments) from the legislative committee.

The Acting Speaker (Mr. Charest): Motions Nos. 13, 13A, and 14 will be debated separately and voted on separately.

Mr. Svend J. Robinson (Burnaby) moved:

Motion No. 13

That Bill C-67, be amended in Clause 5 by striking out line 43 at page 7 and substituting the following therefor:

"harm to another person, the Board may, with the consent of the Attorney General of Canada,"

He said: Shifting gears, Mr. Speaker, from Bill C-106 to Bill C-67 on Motion No. 13, this motion would have the effect of amending Clause 5 of Bill C-67.