

**Some Hon. Members:** On division.  
Motion No. 11 negated.

## PROCEEDINGS ON ADJOURNMENT MOTION

[*Translation*]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

**The Acting Speaker (Mr. Charest):** It is my duty, pursuant to Standing Order 66, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the Hon. Member for Ottawa—Carleton (Mr. Turner)—Public Service—Indexation of pensions; the Hon. Member for Scarborough West (Mr. Stackhouse)—External aid—Ethiopia—Canadian development policies; the Hon. Member for Broadview—Greenwood (Ms. McDonald)—Women—Inquiry if groups subsidized last year will receive same aid this year. (b) Size of funding.

## GOVERNMENT ORDERS

[*English*]

### 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. 12

That Bill C-106 be amended in Clause 28 by adding the following subsection:

“(1.5) anyone may publish any information or report otherwise prohibited under the Act provided that the express written consent is obtained of:

(a) the child or young person involved, and the parent of the young person, or

(b) the adult involved, who was at the time of the proceedings a child or young person to whom subsection 38(1) refers.

He said: Mr. Speaker, Amendment No. 12 proposed by the Liberal Party would amend Bill C-106 in Clause 28 by adding the following subsection:

“(1.5) anyone may publish any information or report otherwise prohibited under the Act provided that the express written consent is obtained of:

(a) the child or young person involved, and the parent of the young person, or

(b) the adult involved, who was at the time of the proceedings a child or young person to whom subsection 38(1) refers.

As you know, Mr. Speaker, there is a blanket prohibition on the publication of evidence. Clause 38 would allow, in certain limited circumstances, a police officer to apply to the court for

### *Young Offenders Act*

an order to allow for the publication of evidence. This particular clause would permit the publication of evidence that would otherwise be banned from being publicized if there is consent. It is felt that if the young person and the parent of the young person consents, or if the young person who becomes an adult during the course of the proceedings consents, the media should be permitted to publicize information. It could very well be in the best interests of the person involved that there be publicity surrounding the particular offence.

Very briefly, it is felt that where all parties consent to the publication of evidence it should be allowed and the consent should be written rather than oral to ensure that the consent is *bona fide*. The amendment is supported by the Canadian Broadcasting Corporation as well as the Ottawa *Citizen*.

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

**Some Hon. Members:** Question.

**The Acting Speaker (Mr. Charest):** The question is on Motion No. 12. Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** No.

**Some Hon. Members:** On division.

Motion No. 12 negated.

**The Acting Speaker (Mr. Charest):** It is my understanding that Motion No. 13 has been disposed of as being out of order.

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

Motion No. 14

That Bill C-106 be amended in Clause 30 by striking line 1 on page 22 and substituting the following therefor:

“40.(1) In this section and in sections 41 to 46, “record” means

(a) any document within the Court’s immediate possession, including the information, all docket documents, the transcript of any proceedings (including the court reporter’s notes, whether written or audio), the judges’ notes and any evidence produced for the purpose of trial or disposition; and

(b) the documents of any other person involved directly or indirectly with the proceedings, to the extent that the document identifies the young person as an accused person or contains details of the court proceedings.

(1.1) A youth court, review board or”

He said: Mr. Speaker, this amendment lists the definition of a record and paragraph (b) excludes medical and psychological reports from being considered records as long as they do not contain the identity of a young person or details of the court proceedings. This amendment is supported by the Canadian Council on Children and Youth and by Justice for Children.

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

**Some Hon. Members:** Question.