

*Private Members' Business*

For example, I am particularly concerned that some provision remain which would allow a person who is an employer or prospective employer of any person whose duties involve the instruction or supervision of children to inquire as to whether or not the applicant for employment has been found guilty of any offence against a child.

You may say, Mr. Speaker, that in the bill before us, we are only referring to those offenders who have received a discharge, who have not been convicted. Might I remind the House, however, that in many provinces there are child abuse registries that record even suspicions of abuse and this record is made available in certain controlled circumstances.

Should the federal Parliament, therefore, provide less protection to the children of Canada?

• (1740 )

I am not sure what the answer to that question should be, but I do believe we have a responsibility as parliamentarians to study very thoroughly the options which are available for reform in this area.

In the bill which is before us today, my hon. friend has suggested we should violate the principle of ascertaining a period of crime-free behaviour in the community as proof of a reformed character and behaviour before granting a pardon to those persons who have been found guilty of a crime but who have received a discharge of some sort.

I believe we may want to think seriously about this proposal before proceeding. By changing one, but only one, aspect of a law, will we create an imbalance similar to that of which I spoke to earlier? I for one am prepared to wait to hear the results of a review of these issues before committing myself unequivocally to any one course of action.

If I may, I would like again to return to the original debates and to provide the House with a flavour of the types of collateral issues which were identified by the experts who testified in committee. Several questions were raised:

Would the statute have an effect on whether reference to a pardoned record would be ordered expunged from credit reports?

Would it appear on insurance applications?

Could employers receive access to information on a pardoned record?

Would a bonding company be able to ask for such information?

Could a witness be cross-examined in court on facts relating to a sealed record?

Further questions were raised as to how the Criminal Records Act would affect provisions governing military recruitment and service. As well, concern was raised over the effect of pardons on disqualifications for membership in self-governing professional bodies.

There is a provision in the bill before us today to allow for the destruction of the record and to encourage the offender to be present. This point has been discussed by others already during the course of the present debate. I thought it would be most interesting for the House to recognize that once again our discussions today closely parallel those which preceded the passage of the original legislation.

I wish to quote from the official *Minutes of Proceedings and Evidence* of the Standing Committee on Justice and Legal Affairs from Tuesday, April 14, 1970. The committee was discussing the proposed Criminal Records Act.

At that time, in April 1970, Mr. Hogarth made the following comments on the nature of criminal records in Canada.

He said, and I quote:

I was just thinking of the number of places where a criminal record appears and what really you have to effectively seal in order to seal a criminal record.

You have the court record in the first instance. In the Agostino Case on a habeas corpus application they use nothing more than the entry in the court journal that the man was convicted to prove his conviction.

So you have several court records on the first level. You have the entry in the daily journal of the courts, then the court docket or file, you might well have a third record that is kept separate and apart from these first two that I have mentioned. Then you have three, four or even five levels of courts to deal with. You have the juvenile court perhaps and I do not think we are going to be faced with that problem, because I think those records can be dealt with. You have the Magistrate's level; you have the County Court level; you have the district court, Queen's Bench, King's Bench or Superior Court level of the province; you have the Court of Appeal levels; you have the Supreme Court of Canada level—all these people might well have records of the conviction.

You then get into the police records. You have the local police who arrested the man. They might well have a record of his subsequent conviction coming back to them from the police force that they turned him over to on the warrant they arrested him on. Or any one or more detachments of one police force, particularly with the gazetting of criminal records. If you notice the number of police cards that come out with a photograph of the accused, his conviction, the fact that he was convicted, what he was sentenced to so they can keep indices, several types of records kept in the individual police forces at the local level.