

Criminal Records Act

There seems to be an attitude that if we let things go on, offenders can get parole and it's O.K. But it isn't. Most people want to forget the things they do. I bet there are a lot of people in this House who would not want to have some of the things they have done in the past brought up now.

I am asking the minister that in cases of minor offences, where a culprit has an otherwise clear record without trace of any other offences, after two years the conviction be automatically wiped from the record. Surely the present act is most unfair. It bears heavily on those who have been disadvantaged. This is why I am asking the minister to agree to have this bill sent before the committee to consider the necessary reform. It would free these people from the mark of Cain.

I remind the House that when I spoke here a year and a half ago—on July 20, 1973, I think it was—we were promised that within six months the matter would be looked after, the amendments would come in, and the necessary reform would be carried out. I see some of those very fellows here who spoke on it at that time.

Knowing the minister as I do I am sure he is very sympathetic and does understand the plight of these people. I remind him of the saying of the Master: Let him who is without sin cast the first stone.

Mr. John Gilbert (Broadview): Mr. Speaker, I commend the hon. member for Simcoe North (Mr. Rynard) for bringing forward this bill a second time in an effort to persuade the government to introduce the necessary amendments to the Criminal Records Act.

Back in 1965 when I was first elected, the Liberal member for Welland, Don Tolmie, sponsored a bill which incorporated many of the ideas which are contained in the Criminal Records Act. He obtained the support of most hon. members, more especially of the members of the Justice and Legal Affairs Committee.

I recall the history of that legislation. One of the former solicitors general brought forward a bill which did not agree in substance with what the hon. member for Welland at that time was trying to do. Members of the justice committee from the Liberal, Conservative and New Democratic parties got together and moved amendments which the minister had to accept in order to get the present Criminal Records Act through. It is a credit to members in all parts of the House that they recognize there is a social issue here which has to be met.

I think I need take only ten minutes of my time today, because either the bill should be accepted and the amendments incorporated into the Criminal Records Act or it should be referred to the committee for study, and possible expansion with regard to the specified categories, or the minister should get up and say, "I am bringing forward legislation which in substance is the same as this proposal, or even an improvement on it."

As the hon. member for Grenville-Carleton (Mr. Baker) has suggested, he should also tell us something about the time frame in which it is to be brought forward. I agree with the hon. member for Simcoe North that the Solicitor General (Mr. Allmand) is anxious to bring forward amendments dealing with the Criminal Records Act. I

[Mr. Rynard.]

hope he can persuade the members of the cabinet that this should be given top priority.

I note that the hon. member for Simcoe North, in an explanatory note, says the bill is aimed particularly at young offenders who have been convicted once of an offence such as possession of marijuana. I agree with the sentiments expressed in that explanatory note, but it should cover all people, not merely the young. Many people in middle life or old age are tagged with a conviction with which they must be burdened all their lives.

● (1720)

This subject was dealt with in 1969 by the Ouimet commission. If the government had accepted the recommendations of that commission, the bill of the hon. member for Simcoe North would not be necessary. The report recommended at page 409 that offences should be divided into categories, minor and serious. Minor offences are defined as offences punishable with summary conviction. The report recommended that if a person who has been convicted of a summary conviction offence lives for two years without committing an offence and rehabilitates himself, he should be eligible for a pardon respecting that offence for which he was convicted. Logically, the pardon would have the effect of giving him a crime free record. If the government had accepted that recommendation, we would not be in our present difficulties and as I said, the hon. member's private bill would not be necessary.

From my experience with pardon applications only four adjectives apply: slow, cumbersome, embarrassing, and unnecessary. These adjectives apply particularly to offences punishable by summary conviction.

I speak from experience when I suggest that the average time for an application to be processed under the Criminal Records Act is 18 months. That has been my experience from helping people in my constituency who have tried to take advantage of the Criminal Records Act. These applications, as I say, are slow.

They are cumbersome in that applicants are asked for names and references. This procedure tends to be cumbersome. I hope the Solicitor General will study this aspect closely. The applications, as well, are embarrassing because the applicant must furnish the names of six persons of good standing in the community who may be contacted about his character. The applicant is embarrassed by this procedure, by furnishing the names of these people who may be contacted, as often such people do not know the applicant has committed an offence or been convicted. The hon. member for Simcoe North related his experiences with people in his riding who have run afoul of the law, and what he said could probably be echoed by any member of the House. The hon. member talked persuasively about the effects which a conviction can have on a person for the rest of his life.

I commend the government for the amendments it made to the Criminal Code.

Some hon. Members: Hear, hear!

Mr. Gilbert: Now after a person commits an offence and is tried, he may apply to the court for an absolute or conditional discharge. That this step is possible shows