

Private Members' Business

the record and what is going to be destroyed, so that the intent and purpose indicated in this bill are accomplished. All that requires is a good definition of "criminal record".

Section 5 in the bill also appears to remove the defence of *autre fois convict* in circumstances after the passage of time. I do not think that defence should ever be removed. It should be there and available no matter what happens. It appears to create a situation that could see a person recharged because the record is destroyed. Therefore we need some advice and some direction as to how to get around the conundrum of having the record disappear and then, at the same time, having somebody who could be recharged under the same offence because there is no record. So this requires more thought and direction, but could again be accomplished by amendment.

• (1730)

The other area of concern for us is the fact that the records are normally very incomplete and scattered among different courts. People could be residing in one province and the conviction is in another. It creates numerous problems in trying to determine just exactly what should be destroyed and where it is. The definition would determine what should be destroyed but it still might be in circumstance where no one knows where the record is. We need to come up with a system where that is controlled, or at least deals with it, so that everything which is intended to be destroyed is in fact destroyed.

The final thing that gives us some concern is in the area of the actual process of destruction in which it is required that the person be notified, giving that person the right to be in attendance. Again we think that that is well intended, but it could be reworked and changed so that it could accomplish the purpose that if the person did want to be in attendance he could be. On the other hand we do not want to see that as a mandatory situation that the person be in attendance and the legislation does not seem to say that.

The other concern is that the person may not be able to be notified for whatever reason and is assuming that his or her record is going to disappear after a passage of time, does not leave his address, and therefore is not

notified. Consequently the record may not be destroyed. We think there should be a little fine tuning in that particular section.

But for those exceptions, the general intent is one which we support. We are leaving it to the government to determine whether it wants this to go to committee or whether it wants to not support its own member and, in effect, its own proposal which would bring benefit to individuals who have absolute or conditional discharges.

That is why I do not want to take my full time in speaking on this but to have clearly on the record our concerns, the things we would like to see looked at and could be done by committee. It is up to the government to decide what they want to do.

Mr. Lee Clark (Parliamentary Secretary to Minister of the Environment): Mr. Speaker, I welcome the opportunity to say a few words on the bill before us. I would like to begin by expressing my respect for the hon. member for Mississauga South for his very close attention to what is obviously a very important matter.

The information I would like to bring to the attention of the House this afternoon relates to the historical background of the legislation which is before us. Although the hon. member for Mississauga South is well aware of that historical background, I suspect other members of the House and the public at large may not be. They may not be aware that there seems to be some parallels between the bill which is here today and the actions of a former member Donald Tolmie who was responsible for the original genesis of the legislation.

The origin of the current Criminal Records Act was in fact a private member's bill. It was introduced in June 1966, and referred to the justice committee at that time. The justice committee held four meetings between March 21, 1967, and November 2, 1967. Various witnesses appeared at these meetings of the committee, and the whole process appears to be both an instructive and a helpful one.

The justice committee subsequently made its report to the government of the day. The government, in the interim, had developed a bill of its own and the committee proceeded with study of the government initiative.