

until I came to the chamber and had an opportunity to listen to some of my colleagues participating in this private members' hour. I think that one could justifiably, on the basis of this afternoon's debate, suggest a change of name for the private members' hour to the "hypocrisy hour". Because in listening to the hon. member for Windsor-Walkerville (Mr. MacGuigan) filibustering his colleague's bill, though I realize that he did not really want to do so, one is provided with some justification for the suggestion that there is something radically wrong with the system, or procedures.

This bill is basically a very good and very enlightened bill, one which, I would like to state at the outset, I support. I share the feelings of the hon. member for Winnipeg North Centre (Mr. Knowles) that this is a good bill and that it should be sent forthwith to the Committee on Justice and Legal Affairs for further study. So far as I can see, the provisions of this Identification of Criminals Act are often abused. Section 2, as the hon. member for Windsor-Walkerville pointed out, has a discretionary feature in that it states that:

Any person in lawful custody, charged with, or under conviction of an indictable offence, or who has been apprehended under the Extradition Act or the Fugitive Offenders Act, may be subjected . . .

This is the part I would like to speak on for a moment or two. I have seen instances where police have in some cases, in my opinion, improperly invoked or tried to invoke the provisions of the Identification of Criminals Act when the circumstances made it clearly unnecessary to do so. I would like to point out to members in the House that on many occasions a criminal charge itself provides a punishment that can never be redressed. I am sure all hon. members realize that if, for example, a person is charged with a serious offence, comes to trial before a jury and is completely acquitted, on future occasions most people do not say: "There is John Jones, the man who was unjustly charged with robbery and was acquitted". They say: "There is that Jones fellow who was once up for robbery". This is the type of stigma that attaches to people even though they have been given a lawful trial and have been acquitted. I will not add any more on this point but I think it would be very interesting for the Solicitor General (Mr. Allmand) to issue guidelines and to make certain that this Identification of Criminals Act is not being abused by over zealous police officers across the country.

At this time I would also like to point out another area that bears looking into, and that is the department's policy regarding conditional discharges which, as I understand it—and many of my colleagues have brought this to my attention—is often opposed on principle by over zealous prosecuting officers who, in my opinion, often go against the spirit and intent of this government's policy by making it very difficult for defence counsel to utilize the very provisions that this government, very commendably, recently built into the Criminal Code.

At this time I do not want to be accused of speaking for too long because I would be doing what I am suggesting it is wrong for my colleagues to do, that is, talking out a very worthwhile piece of legislation that I for one would like to see referred to the committee. I would urge my colleagues to join me in this regard and not filibuster this bill, which

### *Identification of Criminals Act*

I think is one of the best I have seen come before the House during private members' hour recently.

**Some hon. Members:** Hear, hear!

[Translation]

**Mr. Jacques-L. Trudel (Montreal-Bourassa):** Mr. Speaker, I listened closely to my colleague, the hon. member for Nipissing (Mr. Blais) when he introduced his bill.

I must say that from the very beginning, he seemed to me to be somewhat reticent, as though he wanted to plead in favour of this bill, but without conviction. I think he was quite sincere when he said that a burden should not be placed on some people for the rest of their lives unless they had appeared before the court, been formally charged and found guilty.

He has done some research on this bill, I am sure. He explained why we should not do these things, but I am still hesitant to accept his plea, regardless of his eloquence.

On a number of occasions, while considering private members' bills, he has looked into some situations which certainly appeared worthwhile to those who had brought them forward, but which seemed to show certain shortcomings after they had been scrutinized by other hon. members.

If the hon. member for Nipissing has himself listened to those who have accepted to participate in this debate, he must, I am sure, be entertaining some doubts by now.

The hon. member for Louis-Hébert (Mrs. Morin) went further and has denounced certain offences brought before the courts. As the hon. member for Windsor-Walkerville (Mr. MacGuigan) was saying a while ago I think, it is not in any way permitted to interfere with the courts' work or with the carrying out of justice.

We have now reached the point where society has become quite belligerent. One hon. member was talking about it a few minutes ago. One has only to read newspapers, look at TV or listen to the radio to realize that people indulge in violence nearly everywhere.

If pieces of legislation are not brought in and discussed, if they are not thoroughly considered, we will feel somewhat remorseful. As I said earlier, there is violence in society.

The hon. member for Nipissing has pondered over the matter and suggested that if the person involved is not convicted, then his records should perhaps be destroyed. But it has also been pointed out during this debate that people may not be convicted for the offence which brought them into court, although they may have taken part in 15 or 20 other offences.

If the police or other investigating officers can be provided with some means that will enable them to identify the accused brought before the tribunal, then society will likely be relieved of a burden.

I think that the member for Nipissing was referring to the individual, but in terms of the community, of society, one must remember that a given measure may at one time or another make it difficult for some people.