

### *Criminal Records*

been granted a pardon under the law under the continual cloud of having that pardon taken away. It provides that if there is evidence establishing to the satisfaction of the governor in council that the person to whom the pardon was granted is no longer of good conduct, or is guilty of some other particular misdemeanour, then the pardon that society has seen fit to grant to that person may be taken away.

This bill does away with a bad philosophy. Surely if people are appointed by government to decide on a matter of pardon and that pardon is granted, then the right should not be revoked by law and the pardon removed. I think that the fact that this bill moves against such a provision is excellent and it should be considered seriously. We should all be looking, as the hon. member for Simcoe North (Mr. Rynard) has done, at our legal system and system of penology to see whether it can be improved, having regard for the interest and protection of society.

I believe that this bill, which has been advanced for a long time by the hon. member for Simcoe North, is one that will achieve this purpose. In the course of our investigation of it we should look at a few other statutes, such as the Juvenile Delinquents Act. This is a very important statute. We should ensure that those persons who because they are young, are deserving of a second chance should be treated in such a way as to show them that they are entering into adulthood and should look forward to adulthood in a reasonably responsive and concerned society.

I believe that the bill put forward by the hon. member for Simcoe North is a stepping stone in reaching that concern in our society, and we should support it. I urge the House to let this bill go to committee. Because I feel very strongly on this subject I intend to sit down in the hope that someone will call it five o'clock.

**Mr. S. Victor Railton (Welland):** Mr. Speaker, I too am greatly impressed by the remarks of the hon. member for Simcoe North (Mr. Rynard) and of all other speakers. I think everyone has a great deal of sympathy and compassion for those who are caught up in the coils of the law, sometimes because of thoughtlessness, ignorance or exuberance, and who can never wipe their record clean. That is the main point which I am sure most concerned the sponsor of the bill, although many other things were mentioned relating to parole in general.

I do not support completely the hon. member for Timiskaming (Mr. Peters), who expressed a strong and acerbic condemnation of the chairman of the Parole Board and of the Parole Board itself. I think they are doing an excellent job with our laws in view of the problems of modern population. People have a tendency to disregard laws more than they ever did, and they have a tendency to be more violent in their reactions. I think that the work of the Parole Board is most onerous.

The background of the bill before us goes back a long way. I could tell you a great deal about what social workers have been concerned about and what they have been urging. I would like to quote a typical newspaper clipping which appeared in July of last year and which reads:

Under new amendments to the Criminal Code, three teenagers who pleaded guilty to minor drug charges in a Toronto court  
[Mr. Baker.]

yesterday were given conditional discharges, which means they will have no court records providing they fulfill the conditions of their probation.

In other words, we are working toward the goal which the hon. member for Simcoe North has suggested.

Also, we had a social worker before a committee of the house, Mr. Kirkpatrick, who said that the present act does not go far enough in clearing a person's criminal record when pardon is granted. He was referring to people in general, not just to young people. A person who has been pardoned should be considered never to have been convicted of a crime, he said. We should listen to these social workers because they are closer to offenders than most of us are.

A rather interesting comment was made in the May 17, 1972 issue of the *Globe and Mail* about the situation in British Columbia. It refers to a Vancouver prosecutor—it is different from what we have in the east; they have a city prosecutor who looks after young people who have committed misdemeanours—who said:

One thing I hate to see is young people getting involved in something that will have a serious effect on their lives for years.

Lots of these young people don't know what they are getting into and a criminal record could mark them for years. It could keep them from going to the States for a job or for postgraduate studies, from getting bonded or from a job, period.

What he did was to get them before him and scare the living hell out of them, and 80 per cent of them never came back.

I think that is probably the way in which we should approach this matter. A few years ago, when I was about 13, I committed a misdemeanour on Hallowe'en and I had to appear before a magistrate. However, that is not on my record. Of course, he gave us a stern admonition, and not in court but in his own living room. I never did let my father, who was the local parson, know. I do not know how I kept it from him, but I have never done any wrong since.

**Mr. Knowles (Winnipeg North Centre):** Are you sure he did not know?

**Mr. Railton:** That was the best thing that could have happened to me. When it comes to other ages, however, the problem is much broader: what should we do with people who are pardoned and paroled, how long should their sentences be, what type of investigation should be carried out? All these matters are complex, and they should be so because of the very fact that all human beings are different and their reactions, both to the environment and to each other, are different in every case. So naturally the law does not fit people individually.

This is why we need such understanding people as were mentioned by the hon. member for Grenville-Carleton (Mr. Baker) to look after the paroling of offenders, to make sure that this is done quietly, as the hon. member for Timiskaming mentioned, and that the knowledge of this indiscretion is not spread around.

● (1650)

There are many other issues, as I have mentioned. For example, at what age should a child who commits an offence, be tried in court? Should all children be tried in juvenile court? Under the Scandinavian system a child