

## THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

### EVIDENCE

Wednesday, May 27, 1970.

The Standing Senate Committee on Legal and Constitutional Affairs, to which was referred Bill C-5, to provide for the relief of persons who have been convicted of offences and have subsequently rehabilitated themselves, met this day at 4.00 p.m. to give consideration to the bill.

**The Clerk of the Committee:** Honourable senators, in the unavoidable absence of the chairman is it your pleasure to elect an acting chairman?

**Senator Urquhart:** I nominate Senator Phillips.

**Hon. Senators:** Agreed.

**Senators Lazarus Phillips (Acting Chairman)** in the Chair.

Upon motion, it was *resolved* that a verbatim report be made of the proceedings and to recommend that 800 copies in English and 300 in French be printed.

**The Acting Chairman:** Honourable senators, the subject matter is a consideration of Bill C-5 which you will remember is the Criminal Records Act. We have before us Mr. J. F. Hollies, Q.C., Senior Solicitor, Legal Services Division, Department of Solicitor General. In addition to his own eminence and worth, Mr. Hopkins informs me that he served in the Royal Canadian Air Force with Mr. Hollies during the last war, so that adds a special tag of approval upon you, Mr. Hollies.

**Mr. J. F. Hollies, Senior Solicitor, Legal Services Division, Solicitor General Department:** Thank you, sir.

**The Acting Chairman:** This bill received second reading in the Senate, Mr. Hollies, and there was some observation made which necessitated a motion to send this bill to the Standing Senate Committee on Legal

and Constitutional Affairs. We will be grateful to you if you will be good enough to go over the bill in general terms and give us the benefit of your views and guidance.

**Mr. Hollies:** Mr. Chairman, honourable senators, I really have no set piece prepared and I do not think this will come as a grave disappointment to you. This was, if I may say so, introduced very thoroughly in the Senate by Senator Sarto Fournier.

Basically the bill is designed to remove the stigma from those who have really and truly rehabilitated themselves after having been punished for a criminal offence. It does this in a variety of ways, but basically it provides for the sealing of their judicial records, the segregation of those records, keeping them apart and closed from the public, not to be made available to the public except with special permission from the Solicitor General of Canada. That permission can only be given for one of two reasons, to aid in the administration of justice or because the security of the state or its allies is in some way involved.

There is provision in the bill for non-disclosure of records that have been pardoned. It has the effect so stated in the bill of "vacating the conviction." That is, the conviction shall be deemed no longer to have force and effect and to be evidence that the man, after the proper inquiries have been made by the National Parole Board, is deemed to have rehabilitated himself.

**Senator Fergusson:** I presume this applies to women as well?

**Mr. Hollies:** I should hardly like to exclude the honourable senator from the ambit of the bill. I realize she does not need to benefit by it.

**Senator Fergusson:** I realize it is covered in the Interpretation Act.

**Mr. Hollies:** The bill certainly covers the very few female offenders that we have—and have had.