

*Criminal Records*

articles, letters and a dozen and one things which might account for such a disclosure. It became quite clear that such a conviction would come to light by some device.

We felt that we needed something for people who seem to have rehabilitated themselves, in order that they could get away from the consequences of having had a conviction registered against them. This measure is intended to cure this, and that is its objective. I think this is clear to hon. members on all sides of the House. The blanket legislation we tried to come up with did not seem to achieve this at all. Indeed, it seemed to put us right back where we were before we started to do anything on this subject. I do not know that I need labour that point any further at this time.

If you are discussing semantics, the word "pardon" may not be the perfect word, but by a considerable margin it certainly is the best we have been able to come up with and the best of any that have been suggested from all sources. There are some points raised by other hon. members which I think I should clarify at once. The hon. member for Parry Sound-Muskoka (Mr. Aiken), when dealing with this subject, suggested among other things that juvenile offenders are not covered by this bill. That is quite wrong. The Juvenile Delinquents Act is a federal statute and offences against that act are covered. There was a total miscomprehension of that point.

The hon. member for Skeena (Mr. Howard) raised a rather interesting point. He read one of the clauses of the bill in a way which indicated to him that there was no provision for granting a pardon where there was a suspended sentence. That is not a correct reading of that clause. Convictions followed by a suspended sentence are covered by this legislation just as fully as convictions followed by any other sentence.

The hon. member for Portneuf raised a point I was particularly pleased to hear. I must say I was trying to listen to his speech in French at the time. I think I understood the hon. member correctly when he pointed out that in this legislation we must remember we are dealing with individual persons, and that what we are seeking to do here is to assist such individual persons and make life fairer for them. It is not an academic exercise in theory or in creating a nice, paper structure.

I believe I understood the point he raised about persons who apply for local office, and so on. This legislation provides for vacating

[Mr. McIlraith.]

the conviction and therefore there is no longer a prohibition under other legislation. Many other interesting points were raised. The hon. member for Sarnia spoke about civil service applications. For some time now the question to which he referred has disappeared from civil service application forms; it is no longer asked. I have reference to the letter which related to this.

● (4:30 p.m.)

I think that matter is well under control. We can deal with it perhaps in a more particular way before the committee, but I want the hon. member to know this has now been removed from federal government application forms. I hope the person who wrote the letter has applied for a pardon, because under the royal prerogative of mercy, if the facts are as stated, the pardon would have been granted automatically.

I might say that in an effort to prepare for this legislation and institute a method to alleviate the situation in the meantime, we have been using the royal prerogative of mercy in a way that is very close to the procedure set out in the bill. In the last year 131 such applications were approved. That rate which accelerated in the latter part of the year is at a higher level now. Because of the present procedure there is every reason to expect it will accelerate again.

The machinery exists now in the National Parole Board to handle the legislation immediately it becomes law. We have gathered a great deal of practical knowledge from the considerable contact we have had with persons who have found themselves in the unfortunate position of having a record although they have long since rehabilitated themselves. Also, interestingly enough we have gained a great deal of experience from employers, particularly the larger employers. I shall welcome the opportunity at the committee stage for hon. members to give such information as they have and to learn exactly what we have found out in this connection.

It would certainly seem that by this method employers would be able to avoid considering the matter of a conviction when they know, if there has been no pardon, that they can obtain the information or, if there has been a pardon, they need not even bother attempting to obtain the information. I would also welcome an opportunity to have this subject examined at the committee stage. There are other aspects of the matter which are very important but I do not feel they should be