

to deny relief on the basis of non-criminal behaviour is to impose an additional disadvantage on an offender by virtue of his status as an offender.

What should be the extent of the relief obtained when a pardon is granted? It has been noted that a conviction carries with it numerous disabilities which can profoundly influence an offender's subsequent contacts with the criminal justice system; self-image, social interactions, occupational pursuits, travel possibilities, and much more. Unfortunately, the Criminal Records Act offers at best, only a partial remedy for such problems. The act provides only that records will be sealed when a pardon is granted.

There is a very important clause in Bill C-314, which calls for the destruction of pardoned records in the circumstances outlined by the bill. This highlights the problem that the benefits of the current legislation are limited with respect to the most serious disabilities which flow from the creation, control and dissemination of a criminal record and collateral information. To be completely clear about this, as it now stands, an individual who has been pardoned can answer "no" if asked: "Have you ever committed an offence for which you have not received a pardon", but cannot deny that an offence was committed.

It is my opinion that any reform of the current legislation should address, at a minimum, the question of whether an offender shall be afforded the right of deniability of the criminal conviction upon grant of the pardon.

If it should prove impossible to destroy, rather than seal records once a pardon has been granted, to what if any use may these residual records be put? Consultations have suggested that there is no final consensus among interested groups on the appropriate use of or access to the sealed records of pardoned offenders, nor is there agreement on the proper procedure which should be followed for the eventual destruction of records.

I must admit, some quite persuasive suggestions have been made that records should be available to the police for investigative purposes; to Crown attorneys for use in prosecutions of a pardoned offender for a new offence or to judges in determining sentences.

### *Private Members' Business*

A strong body of opinion expresses support for applying a bona fide employment exemption to permit access to records. This would allow access for certain employers to records of convictions relevant to the job responsibilities.

For example, a pardoned record of conviction for predatory sexual offences against children might remain accessible to day care operators, school boards or adoption agencies.

These are just some of the examples that really should be studied very thoroughly. I am sorry, I have run out of time, so I will have to close.

**Mr. George S. Rideout (Moncton):** Mr. Speaker, it is a pleasure, as always, to rise in this House and discuss legislation which, in this particular case, is well intended and well directed. One can see this very easily in the explanatory notes.

"The purpose of this bill is to provide that where a person is discharged under the Criminal Code in respect of an offence, all records relating to that offence must be destroyed." That is the proper purpose and proper intent. We really do not have any problem with this legislation going to a committee to be looked at or to be rethought and brought back, whichever the government prefers.

We have some basic problems in about four areas. They could be accommodated in committee by amendment or the legislation could be redrafted. The intent, from our point of view, is a good and proper.

When a court grants an absolute discharge or a conditional discharge, the purpose of the judge making that decision is in effect to say that in an absolute situation that somebody broke the criminal law, probably by mistake and probably unknowingly or the effects are going to be so great that the court wants to say that the offence did not in fact take place.

The other intent is to say on a conditional basis that: "Yes, you probably knew what you did was wrong, but we do not want to see you penalized for the rest of your life. So this is a condition. You do this, this and this, and then the offence will disappear". But the record is not disappearing. The intent of the legislation is to get rid of that record and really do what the court wanted done.

Our concerns are very simply put in the area of specifics. There is really no definition of what constitutes a criminal record. For the legislation to work properly there must be a clear definition of what actually falls into