

Criminal Records

act, which was, of course, quite in conflict with this whole new theory of probation.

I make one last comment. The Chair has displayed generosity in regard to the tragic incident that recently occurred in Quebec. Apparently we are now free game. My feeling about this is that the tragedy, surely, was not that an official of the British Columbia government was concerned, but that any police department would render a beating to any citizen of this country, no matter what stage the proceedings in question had reached.

● (4:20 p.m.)

Mr. Deputy Speaker: Order, please. It is my duty under our Standing Orders to remind the House that if the Solicitor General (Mr. McIlraith) speaks now, he will close the debate.

Hon. G. J. McIlraith (Solicitor General): Mr. Speaker, I will seek to keep my remarks down to a reasonable length. The subject itself, the speeches which have been made, interest me very much. Much as I should like to go through each speech in a detailed way, I will try to refrain from that exercise. I hope that all hon. members who have raised points or questions with which I do not deal will understand that it is not that I think they may be unimportant points, but rather that they may be of a nature that can be more easily and more properly dealt with in the committee than during the second reading stage of the bill. I should like, if I may, to try to answer some of the main points raised.

The bill is an attempt to get something practical which will work to assist those unfortunate people who are not being treated fairly in society by reason of the fact that at one point in their lives they had a conviction registered against them, even though they have long since rehabilitated themselves. This involves finding a method of dealing with that situation. It does not involve the objective, because I think there is unanimous agreement on that. The debate has indicated that we should try and remove this unfortunate and unjust circumstance in respect of persons such as I have described.

After a lot of examination of the 1966 private member's bill, and the evidence given before the committee which studied it in an attempt to deal with the subject, it was finally found that it simply did not meet the objectives it was intended to meet. We can go into those reasons when we get the bill before the committee; at that time we can deal with this matter in a detailed manner.

After an examination of the many proposed methods of dealing with this situation—and there are not many statistics, much information or experience on this subject that is very helpful—we came up with this method. We decided we should adopt the idea of granting pardons. I will deal with that word in a moment. We said that the granting of a pardon would vacate the conviction. The significance of that has apparently been missed in the debate.

Once a conviction is vacated, a lot of consequences in law flow from that action. For example, this means that the legislation or local provisions dealing with licencing by the various jurisdictions, or the running for local office and all sorts of other things, no longer apply, the conviction having been vacated. That point, which was covered by the hon. member for Portneuf (Mr. Godin), is one of the difficulties that confronts these persons but which will be removed by this legislation.

In addition to the granting of a pardon and making that pardon vacate the conviction, we have achieved the purpose of the earlier private member's bill. We have provided for the drawing in of the records and the sealing of them. That point seems to me to have been missed, but that is its significance. It was asserted that we should expunge the records. I think I should make it very clear that very early in our work we found that the use of the word "expunge" did not seem to meet all the needs we were seeking to meet by legislation on this subject. This is not a good word to use.

Having regard to the point raised in a more particular way by the hon. member for Vancouver-Kingsway (Mrs. MacInnis) as to the use of the word "pardon", let me say this is purely a matter of seeking to obtain a method to provide a satisfactory document which will achieve our purpose. The use of the word "pardon" seems to come closer to achieving this than anything else we came up with, because it became clear very early in our attempt to get this legislation into reality that a blanket provision which legislated out of existence these convictions would not achieve this objective.

If you had an automatic blanket removal of all convictions, it was thought that we would be right back where we were because the record of conviction would be found. Make no mistake about that, it would be found. There are always, shall we say, unfriendly friends who will disclose this. There are newspaper