

*Criminal Records Act*

automatic provision to be used to provide, in any legislation that is brought forward, the right of the person convicted to apply for his certificate, so that the records of the department keep moving. Then the investigations are short. It seems to me that if that did occur, there would be the man years among the personnel of the Parole Board released for some of the other things that I think quite frankly are lacking.

● (1750)

I say this with respect to the minister. The difficulty in investigating parole in very serious cases is due to the tremendous work load the Parole Board has to bear and the great responsibility which it has. Then the government, which is also loaded with work, must consider the recommendations of that board. If there is any possible way, whether through this piece of legislation, the legislation the minister is talking about, or in any other reasonable way, of lessening the tremendous load on that board so that it can better do its job, then I think the government ought not to dismiss out of hand the automatic aspect of the proposed bill.

There has been a tremendous amount of criticism in this context of the system of parole in Canada, and I do not mean this as a criticism of the minister, though that happens from time to time. This tremendous criticism is a result of the failures, in some instances the apparent, blatant, headline making failures, of some parolees. Part of these failures must be considered due to the fact that there has not been sufficient investigation. I think all of us should be striving to assist that board in doing its very important work. I now commend that to the minister, with respect.

I wish to say that we have travelled a long way in the criminal law of Canada and in the keeping of records of criminals. At one time, if I understand the situation correctly, the only thing a man could have was a pardon. That was even more cumbersome than it is today. We have now moved in the direction of giving the offender who has shown that he can live within the guidelines of society a second chance, and I think that is important to us as a civilized country. But I think it is also important that we consider any program or piece of legislation or any idea which will lessen the purely paper moving, investigative work of that very important board. As a result the Parole Board could direct its attention to problems which have been plaguing Canada and worrying Canadians, and occupying the time of this House, namely, the fact that in some very flagrant instances in terms of subsequent events the people who have had the privilege of parole given to them have breached it, thus resulting in a hardening of attitude. The minister knows of what I speak.

I am very honoured to support the principle of the bill advanced by my colleague, the hon. member for Simcoe North (Mr. Rynard). He has been a crusader in this field and has carried into the public life of this country the concern for his fellow human beings which he has exhibited as a physician and surgeon, and I think all hon. members of this House are honoured to be associated with him. I am happy to see that there seems to be general approval with respect to the principles set forth in this bill.

[Mr. Baker (Grenville-Carleton).]

[Translation]

**Mr. J.-J. Blais (Nipissing):** Mr. Speaker, let me first of all congratulate the hon. member for Simcoe North (Mr. Rynard) who has shown leadership in this instance.

[English]

Before I go into the nub of the problem which the hon. member for Simcoe North (Mr. Rynard) was dealing with, I would like simply also to commend the minister for indicating that he is going substantially to amend the existing legislation. While he is doing so I might suggest to him that he look at the possibility of requiring that a record be kept of the hearing or hearings before the members of the Parole Board. I do not have personal knowledge, but I know of an unfortunate experience where the members of the Parole Board somewhat abused their privileges to the detriment of the parties appearing before them, and unfortunately we were unable to obtain any verification of that fact due to the very informal nature of the hearing, as I was told, no records being kept, I am sure that one of the aspects of the granting of a pardon is making sure that justice is done, that it appears to be done, and that it appears to be done in retrospect by having some access to the records which should be kept during those deliberations.

Coming back to what the hon. member for Simcoe North indicated, in the few minutes left I would like to draw the attention of the hon. member to a document recently issued by the Law Reform Commission of Canada, which he will find of considerable interest. It is entitled "Working Paper 7—Diversion". In French it is *la déjudiciarisation*, which I think is a very exact term to indicate how young offenders or elderly offenders, of which the hon. member spoke, are taken out of the judicial process either at the stage of initial investigation or at the screening stage by police officers, or at a pretrial stage, or, indeed, at the trial itself.

The Law Reform Commission, I might suggest, has done a marvellous job with this diversionary process, which is now in practice. Having been a practising member of the criminal bar for some years, I can indicate that it has been my very pleasant experience on a number of occasions to have succeeded in having a diversion created, so that an accused who might otherwise have been dealt with before the courts and given a criminal record was diverted at one stage or another from that process. In effect, society dealt with him, but in such a way that that individual was not harmed and his future was not affected unduly by that particular process.

The Law Reform Commission on page 7 of this document gives some ideas as to the criteria or the types of incidents which might be included: for example, incidents involving juveniles or the elderly, which is directly what the member for Simcoe North was indicating; family disputes; misuse of alcohol or drugs, which is again something the hon. member was indicating; incidents involving mental illness or physical disability; nuisance-type incidents, and so on. All these are very indicative of the nature of the problems we are facing today in the criminal process. We are no longer dealing with just a different class where the police would clamp down on the lower masses with whom the legislators had really no contact. We are dealing now with the application of our criminal