

*Criminal Records*

sented. I have also been interested by the great desire not to engage in a debate on capital punishment shown by some members who believe in an eye for an eye and a tooth for a tooth, particularly by the mover of this motion who I believe is on that side.

The bill he has introduced this afternoon, however, is broad, acceptable, moderate and progressive. Most people would agree that it meets one of society's major problems, not in terms of the Bible or of any religious group but in the light of the fact that conditions have changed and our laws must change. I believe that particularly in relation to summary conviction, after a two-year period there should be a mandatory withdrawal of the record of the person convicted.

The hon. member who introduced this bill called attention to the fact that in making an inquiry the authorities really are re-opening the case. His last example was a very good one. The offence happened many years before and had been pretty near forgotten. Most people did not know about it, yet the police and the RCMP visited not only the six people used as a credit rating or reference but they interviewed the neighbours, they interviewed workers at the job, and they asked about him at the grocery store. If nobody knew the man had a criminal record before, they all knew when the inquiry was finished.

● (1620)

As long as we have the present Parole Board and the present chairman, this legislation will serve no purpose. I know of a young person who made an application one and a half years ago and he has not even had the courtesy of a reply. Everyone has been interviewed, including the professors at the college he attended, most of the businessmen in his town, his employer and two of his neighbours. They have stirred up as much trouble as they can without re-convicting him, but he still does not have his pardon.

I agree that if someone applies for a pardon of a summary conviction, there has to be some investigation; but surely it can be discreet. Interviews should only be conducted with those who can shed some light on the matter. Everyone in town should not be asked what they know about John Blow, whether he is a traffic hazard, would rob a bank and so on. Discretion should be used in making inquiries. These investigations should be carried out by qualified people, not a new officer on the police force. A person should be able to have a pardon considered in a logical way and granted without undue delay.

The only reason this section is not working is because the Parole Board is not capable of handling this. The committee should give serious consideration to having this handled in some other way than by the Parole Board. The Parole Board is not able to handle paroles in the penitentiary system. There are 25 or 30 per cent more people in our penitentiaries because the Parole Board has broken down. It no longer visits the penitentiaries but operates as an administrative body, making all its decisions in the office.

This bill not only covers summary convictions but indictable offence convictions where people have been involved in much more serious crimes. This bill states a person must be on good behaviour before asking that their sentence reports be eliminated. More care has to be taken

[Mr. Peters.]

in these cases. I am sure there will have to be further investigations in cases of conviction for an indictable offence. It is wise to know the background of other offences which may have been committed prior or subsequent to the sentence. However, discretion should be used. These matters should be speeded up.

In addition to considering the parole structure, which is a disgrace to this nation, the committee should consider another matter. What happens to the records when a pardon is granted? They should not be available to the police. When a parole is granted, the records should be sealed and only opened if the person commits another offence and the court orders that the records be re-examined.

In many cases records are now available to the police which were not available before. If a person convicted of a number of offences is convicted of a summary offence, these are not necessarily involved in the trial. Even though a parole is granted and the record is in effect no longer in existence, it is reinstated by police investigation. They accumulate considerable evidence which is to the detriment of a person applying for a pardon.

This House has passed other bills which have also been open to abuses. I remember three or four occasions where we granted amnesty to immigrants. Chinese immigrants are a good example. The minister, the immigration people and members of parliament lied to those people because we did not grant them amnesty. We asked them to come out in the open so that we could take a look at their case. It was not until the late Mr. Favreau was immigration minister that true amnesty was granted. Mr. Favreau said to these people that even if they had come here illegally, had been smuggled in or came here in some other way, if they came forward and made a declaration they would be granted true and reasonable amnesty. When that happened, everyone, including members of parliament, felt much better about the amnesty that had been granted than they did about the pseudo-amnesty which had been granted previously.

There is a lesson to be learned from the parole being granted under the present legislation and the bill introduced by the hon. member for Simcoe North (Mr. Rynard). If we are going to grant parole, it should be done automatically for summary convictions, without all the hullabaloo we now have.

I am sure every member has a number of young people getting in touch with him who would like as little fuss made as possible about their indiscretion. The police only have the responsibility of ascertaining whether the person is now living a reasonably good life and whether justice will be done by making a favourable report. I disagree violently with interviewing teachers, schoolmates, employers and business people in the community and all the other things that take place. The Parole Board will not pay much attention anyway.

● (1630)

In terms of the second section, obviously closer attention must be paid to the question of indictable offence convictions. But again, surely the committee should consider handling this matter as nicely as possible with a little as possible disruption in the community in respect of