

Criminal Records

I endorse this legislation because I think it is a great step forward in the humane treatment of individuals who have found themselves in trouble, individuals who by dint of good work and decent living have been able to rehabilitate themselves. I have no hesitancy in supporting this bill, even in the form it is now, just as I have no hesitancy in offering what I hope will be taken as constructive criticism of some of its provisions. Hopefully, some of the provisions will be amended when the bill goes to the committee.

Many good points have been raised by members on all sides of the House. Knowing the minister's sympathetic tendencies in this particular field, I hope these suggestions will not fall on deaf ears. I hope that immediately this legislation passes the minister and his department will commence work on phase two of the bill, which seeks to bring into law some of the splendid ideas the minister has heard expounded in this House.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, I will not be very long. I think the hon. member for Sarnia (Mr. Cullen) and others have put the core question, and I am sure the committee will be looking very carefully into it and perhaps the minister will want to give it new consideration. The core question is: What is the legislative position regarding the practice of pardon? Pardon is not a new phenomenon to criminal procedures, but how does the citizen reply to application forms given him by the civil service in this regard? A more serious, or potentially more serious matter is: How does the citizen answer certain questions on visa applications prepared by governments such as that of the United States?

I should like to recount to the House an incident in which I was involved. I had an office in New Brunswick and arranged parole for a person who had been convicted of criminal negligence. This person was a university graduate. He was paroled in order that he could attend university where he obtained his B.Sc., went on to get his M.Sc., and is now making a very worth-while contribution to the country. Incidentally, he also received a pardon. The unfortunate aspect is that he is still unable to travel to the United States since he is unable honestly to answer that question which is found on so many forms.

I do not think we should be alarmed at the technique of expunging criminal records. This is a phenomenon that any lawyer knows is

found, for instance, in adoption cases. The birth certificate of an adopted child, once final adoption is made, bears no evidence whatever of the origin of the child; and for the purpose of filling in forms the child is regarded as a natural-born child.

Apparently the statisticians took a little time to swallow this practice since they were used to dealing with exactitudes. However, if this practice can be adopted in a human and proper way in the case of adoption, there is absolutely no reason why a similar technique could not be followed in the expunging of records of those who have been previously convicted.

It has been made plain throughout this debate that the usefulness of a Member of Parliament lies in his acting as a sort of ombudsman between state and citizen. I think that our role of ombudsman has been fulfilled in this debate. After all, as members we have an opportunity of meeting these individuals who may be hung up, if I may use the expression, over the effect of what they feel is an insensitive decision.

Like the hon. member for Sarnia and others, I wholeheartedly support the principle of this bill. Nevertheless, I think we will have to make some improvements when the bill gets to committee if it is to have full effect, certainly the effect that I have noted members on all sides of the House wish it to have.

I do not want to be anecdotal at 4.20 on a Friday afternoon, but I would like to give the House one other example of the sort of difficulty that can arise. Another parole that I recall involved a man who had committed a rather unpleasant crime. The crime was committed at a very young age and the person concerned had rehabilitated himself. His former employer was very willing to have him back and showed social conscience, and so on. Unfortunately, the Post Office Department of this country, where the man was engaged delivering special-delivery letters, refused to employ him in view of his previous conviction.

This is another example of the kind of bind we can get into unless departments of state are tuned in to the progressive reforms that the minister is putting before us within the terms of this bill. It is no secret if I tell you that it took the most intense pressure on the part of the then Attorney General of New Brunswick and the then Minister of Justice of Canada to get the Post Office Department to understand the social implications of their