

• (1910)

The judge said: "Absolutely discharged. I discharge you. There is no record". That is what the Criminal Code of Canada says—no record, no offence, no conviction. But there is a record. Oh, boy there is a record. We keep that record to make sure that this person pays and pays and pays, no matter what.

Why did I bring this bill forward? I have had case after case as a member of Parliament of young people coming to my office in Mississauga who all of a sudden have been faced, either at the U.S. border or in employment offer or elsewhere, with somebody who has drawn their criminal record. Now they got discharged. They were never convicted, but their criminal record maintained by Canada is there. By golly, even though the judge said "discharged, go home and sin no more", they are convicted as far as the criminal records department is concerned.

Forget the criminal vote. Forget Parliament. Do not worry about what Otto Lang said, what this party said or what the New Democratic Party said when this provision was made in the Criminal Code in 1972. Forget Parliament. We are bureaucrats and by golly, boy, we are going to keep those records. We are going to do it and we are going to make sure that he pays and pays and pays. That is the kind of thing we have right now in our jurisprudence. That is the kind of thing that causes me, probably once every two months as a member of Parliament, to have to do something in one way or another to help a constituent.

The other day, for example, my constituent David Clark was to attend a university course in St. Petersburg, Florida, to become a better organized person to deal with psychological assistance to alcoholics. He attended that course all last spring and went back to Florida on September 16. He was arrested at the U.S. border and handcuffed for two hours while they checked his record out. Then he was told he could no longer enter the United States of America because 10 years ago a judge in Brampton gave him an absolute discharge. He was at a party that was raided by the Peel Regional Police and was found with two joints of marijuana.

This druggie was stopped of course because he was a druggie and there was his record. Record of what? A record that he was discharged. A record that the judge said: "You are not convicted, go home and sin no more". But there was that record. By golly, we kept it. We kept it

Private Members' Business

good. The record said: "You can't come in, fella. You can't take your course. You can't come back into the United States". He had been there several times, but this time they happened to bring him up on the computer.

This has got to cease. This kind of thing is not the kind of thing that a society like ours can allow to continue. It is not a big thing. It is not a massive change in law or anything like that. It is a situation where this Parliament has been snubbed, this Parliament has been put down by members of our own bureaucracy. Why? Because they love to keep records, love to tie people up. It is about time we cleaned the matter up. It is about time we changed the system.

Since I brought the matter up the Solicitor General's department has been on to it. It has done some investigations. It has found that the cost of getting a pardon through the National Parole Board involves on average 13 months in time and 91 person-years of public servants' efforts. Imagine. That is the average. That includes people who are really convicted, real criminals who want to apply for a pardon and they have got to prove that they really were not involved in nefarious activities since the date of their conviction.

It also involves people like David Clark who 10 years ago was caught at a party and had two joints of marijuana in his pocket. What a terrible sin that he should be stuck with this against him forever and ever and ever, unless we spend on average 90 hours of public servant time cleaning it up and on average 13 months of time in the National Parole Board. It is overloaded with applications because of looking after this nonsense.

The minister says he is going to do something about it. He says maybe we can look at situations where people have not offended again in a three-year period and, if they did not, for a three-year period we might automatically discharge them.

My view on this bill is that if someone has been convicted this way let the appeal periods go on because obviously the informant may want to appeal or the Crown may want to appeal the conviction and so on. There may be the problem of raising *atrophies acquit*. After two months from the date the guy went to court, automatically get rid of all the records. Get rid of them. Throw them out. Throw them away. Indeed let him be there while they are thrown out so he knows his record is not there.