

● (1740)

Another deficiency in the legislation is that the Parole Board—and it is the Parole Board that makes the recommendation to the Solicitor General and the Governor General—as well as the police who make the investigation must determine whether an applicant has demonstrated good behaviour since he has completed his sentence.

This requirement to determine whether there has been good behaviour is open to many interpretations. We have found that in some cases the police making the investigation as well as the Parole Board have interpreted it in terms of life styles. There might be a man who once may have committed a criminal offence, has gone to work and is rehabilitating himself, but who might have a life style which is quite different from that of the majority of people in Canada or the life style adopted by the police. For example, he might have long hair and a beard, he might belong to some minority religious group, or he might even live in a common law relationship, which is not a criminal offence but which is often interpreted as bad behaviour by the police or by the Parole Board. As a result, the man may be refused his pardon even though he had not involved himself in any criminal activities since his offence and conviction.

We hope to change that criterion from a determination of good behaviour to something that would relate to criminal behaviour or an association with criminal elements or behaviour similar to that which first got him into trouble under the criminal law. We think that in doing that we will eliminate judgments which relate to a man's personal morals or his personal life style.

This law, despite its deficiencies, has done much good since 1970. In those four years nearly 4,000 pardons have been granted. Many people are grateful for the fact that they have received a pardon. Some men applying for these pardons in their late years had been convicted when they were 19 or 20 years old and think that before they die they should receive a pardon. They apply for it and get it, and they feel good. I had the case of a man who was convicted when he was young. He had a couple of sons, one in medical school and one in law school, and he did not want his former criminal record to affect his children. So he applied for a pardon and got it.

There are many people who have benefited from the legislation, but I must admit to hon. members that there are still some serious deficiencies which we hope to correct in the bill that I will bring to the House later this year. Unfortunately, I cannot reveal the details of the bill at present; I am still discussing it with the provinces. I have revealed to the House the principal areas in which we are working, but I want to assure the House that some of the comments made here today will be taken into consideration, because they will help us improve the bill.

With respect to the bill of the hon. member for Simcoe North (Mr. Rynard), I think he moved in the right direction but he only dealt with one or two matters. I think there are several matters with which we have to deal when we amend this piece of legislation. The principal effect of his bill is to make a pardon automatic for offences on summary conviction. That proposal had been made by the hon. member for Greenwood (Mr. Brewin) when this question was before the House in 1970. He

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proposed that that should be the basis of the legislation when the bill was brought before the committee. This recommendation was also made in the Ouimet report, as was pointed out by the hon. member for Broadview (Mr. Gilbert). However, that proposal was turned down by the Solicitor General at the time because he said that in an average year there are over 100,000 summary convictions under the Criminal Code, that it would be impossible to identify these 100,000 people and issue them with a pardon for their offences if they had not committed any offences in the two years since they had served their sentence.

So while we want to accomplish the same end as the hon. member for Simcoe North, we hope to use another procedure. We feel we should still use the application approach, because when a man makes an application, his name and address and where he can be found become known and his pardon, therefore, can be sent to him and he has a certificate indicating that he is pardoned. We hope to deal with that problem and accomplish the same result, but we will probably use another means of doing it.

In conclusion, I want to tell hon. members that we agree that the Criminal Records Act needs amendment. I identified several areas where the law is deficient and amendments will be made in these areas. We have prepared a draft bill which is now being discussed with the provinces. It should be introduced later this year in the House. I would like to repeat that nothing has been finalized, and I think we might pick up some good ideas which were put forward in this debate.

I congratulate the hon. member for Simcoe North for introducing his bill because it has given us an opportunity to discuss this subject before we introduce the government's bill and, as I said, many good ideas have come forward. My only reservation is that this bill covers only one or two deficiencies which I see in the present law. When we amend the law we should deal with all deficiencies at one time. I want to thank the House for the attention they have given this matter.

Mr. Walter Baker (Grenville-Carleton): Mr. Speaker, in the few moments left I want to say how pleased I am to be associated once again with the hon. member for Simcoe North on this bill. When this matter came before the House on July 20, 1973 I spoke in support of the bill and urged it upon the government. At that time they saw fit not to accept it. When reading the debate on that day I find that the representations that were made on behalf of the government were not the same as those made today. I think I share in a very small way with the hon. member for Simcoe North the good feeling that the very frank and forthright statement of the Solicitor General (Mr. Allmand) has engendered with respect to this piece of legislation.

I want to point out one thing to the Solicitor General—other hon. members have spoken of some other details—and that is that he should not reject too quickly the provisions of the bill with respect to the automatic expunging of the criminal record in the circumstances set forth in the bill.

The minister has told us that there are 100,000 summary convictions a year. This is a tremendous load. It seems to me that it is not outside the realm of possibility for the