

*Criminal Records*

question which we find appearing on so many forms, namely, "Have you ever been convicted of a criminal offence?" I cannot imagine forms being changed in the way the minister has suggested. It is my view that a provision should be inserted in the bill clearly stating that when a man is asked this particular question he should be able to say, unequivocally, that the answer is no.

The hon. member for Welland referred to the countless letters he has received on this subject. I have received many myself, and there is one in particular from which I should like to read, because in many ways it is typical. This letter came to me after I had been elected. It was sent by an individual who was aware of my interest locally in this particular field. I shall not read enough of it to identify the writer; I simply wish to draw attention to the difficulty with which he is faced.

Dear Mr. Cullen:

I wish to enquire into the possibility of obtaining a pardon. At the age of 17 I was convicted of a break and enter charge and was sentenced to 12 months in the Ontario Reformatory at Guelph. I am now 29 years old and have been working steadily for 11 years. During this time I have increased my job qualification by passing numerous examinations and courses. At the present time I am employed in a supervisory capacity. I hold a current second-class stationary engineers certificate from the Ontario department of labour. I am married with children and I am paying for my own home. On different occasions I have tried to further myself and my experience by applying for other employment and each time I have run into the question on the application forms: Have you ever been convicted under the Criminal Code? In these cases I must answer, yes. This holds true even for civil service applications. Surely this must come under human rights or have I forfeited the right to be human?

I doubt very much that this individual would have difficulty in securing a pardon, as the word is used in the bill. I like to think of this legislation as amounting to an operation "clean slate" in favour of individuals who have proven to the community that they have rehabilitated themselves. Once a person has secured this pardon he is given a clean slate, and the records of his offence should be treated as dead records; they should not be trotted out again or revived for any purpose.

I was interested to hear the comments of the hon. member for Pembina (Mr. Bigg). I confess he raised arguments which I had not previously considered. Perhaps they ought to be considered. If the individual concerned subsequent to being pardoned commits a further offence, I believe it should be looked on as a first offence. I do not like the word "pardon," but I do like the idea of a provisional pardon.

• (4:10 p.m.)

In conclusion may I stress my final point. I am opposed to the individual having to make the kind of application that is suggested in the bill. An individual may not have chosen to tell his wife, his family or his neighbours about his criminal activities. If he seeks a pardon, are we not denying him the right to make even this choice? He has decided in his own mind to lead the life he feels best meets his need, and if five or ten years hence he wishes to apply for a pardon we are even taking away from him this choice.

I am also a little concerned about good behaviour and about what might be considered to be an exemplary life. In his comments the minister stated that the application should not be automatic. I should like to see something more dramatic in this bill. I think we should consider making the application automatic.

In the first instance there would be a flood of applications. Are we going to discourage those individuals who apply by making bureaucratic excuses to the effect that we have had so many applications that we have not had time to deal with them all, or that this is something new, that we are breaking new ground? If we are going to take a serious look at the act in two or three years' time, let us do something dramatic now. Let us remove the necessity of applying to any board. Let us set up a situation whereby an individual can say that he committed an offence on a particular date; that in his opinion he has rehabilitated himself; that he has now secured a job, has not committed an offence during the past five years and feels he should qualify for a pardon.

If this situation is abused, we will be able to change the act later. But let us at least give these individuals the benefit of our mistake, for a change. I submit that this kind of legislation is not only a second chance or a second opportunity for a man with a criminal record; but it is a second chance for a society which may have been responsible for the man's criminal record in the first place.

It may not seem appropriate to a layman's interpretation of the way the House should operate that a member on the government side should be critical. I disagree with this basic philosophy or tenet. I think government members have an obligation to be critical. However, they have an obligation to be critical in a constructive fashion, and this is what I am trying to do.