

## Due process delayed

BY AZMAIRNIN JADAVJI, CALGARY HERALD

Re: "Pardon process faster if higher fee is paid,"  
June 8.

Julie Carmichael, spokes-woman for Public Safety Minister Vic Toews, states that "record suspensions are not a right." That may be, but procedural fairness is a right and the unreasonable delay in adjudicating an application for a record suspension is the issue.

The Parole Board of Canada is now processing all applications submitted under a higher fee structure as a first priority. Existing applications, based on the previous fee structure, are systematically being treated as a lower priority. This distinction is not mandated by any provisions in the law; it is being followed as a matter of administrative practice. There is a substantial backlog of pending applications, and the result of the new practice is that these applications are no longer being dealt with in a reasonable and timely manner.

The Criminal Records Act of Canada expressly requires the Parole Board of Canada to process and investigate applications for a record suspension. Administrative tribunals like the parole board are required to follow the principles of natural justice and procedural fairness. Unreasonable delay is contrary to those principles. This is recognized in the Federal Court Act, which authorizes the court to intervene if a tribunal has "unreason-ably delayed" a process in carrying out its statutory obligations.

It would be more useful if Carmichael addressed the real issue, which is that 22,500 delayed applicants are unable to exercise their lawful rights and put their pasts behind them.

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