

The Secretary of State replied by letter dated July 24, and indicated as follows:

In the case of question 9(A), bearing in mind that a citizenship court does not really operate as a court of law and that we must endeavour to be satisfied as regards an applicant's character, it does seem to me that technically and legally we are entitled to ask whether a person has been charged with an offence. On the other hand, having the legal right to do so does not necessarily make such a question a proper one. A person is innocent until proven guilty and on that basis I am inclined to agree with you that the wording of the question should be changed. I have therefore instructed my officials to change the word "charged" to "convicted" in question 9(A).

The exception for minor traffic violations is made because it is recognized that many motorists have been convicted of minor traffic violations and that this is an expression that is generally well understood whereas it would be much more difficult for an applicant to determine what is a charge of a serious nature, especially in view of the fact that an applicant would, with few exceptions, no doubt tend to regard any offences of which he has been convicted as not being of a serious nature. The purpose of the question is to elicit information and I can assure you that an offence such as a minor violation of a provincial liquor act—

This is what I cited in my letter—people caught carrying a hip-flask at a football game.

—would not, on that ground alone, result in a refusal of citizenship.

This was further confirmed in a letter dated August 18 signed by the executive assistant to the minister. This informed me as follows:

Instructions have now been issued to all federal citizenship courts to amend with immediate effect the wording of 9(A) to "Have you ever been convicted of etc." vice the present "Have you ever been charged with etc.".

The letter further indicated that the form would be completely amended at the next reprint. With regard to the Post Office, Mr. Speaker, I have a letter dated November 24, signed by the Minister of Communications (Mr. Kierans) and stating:

● (4:10 p.m.)

I thoroughly agree with the contention in your letter of the 13th November regarding the wording of a question appearing on a form for employment.

As a result I have given instructions that immediate action be taken to change this wording from "Have you ever been charged with a criminal offence?" to "Have you ever been convicted of a criminal offence?"

May I assure you that the wrong wording was used not with any intent to abrogate the civil rights of individuals but through inadvertence.

I wish to thank you for bringing this matter to my attention.

### *Prohibition of Inquiring into Arrests*

I appreciate the prompt action taken by both ministers in dealing with this point. I am particularly concerned about this matter because I recall that back in 1959, I believe, I raised a similar point with the Civil Service Commission. At that time, if my memory serves me right, there was a similar question on the employment form. In that case immediate action was taken to remove the offensive question. I believe in 1960 or 1961 the Canadian Broadcasting Corporation did the same thing. I checked with the CBC this week, and their forms are absolutely unobjectionable. I add that on forms of application for employment in the Public Service Commission of Canada no such questions are asked; in fact, the Public Service Commission does not even ask for any information about convictions.

It is my hope that Bill C-5, which is presently under consideration before the Standing Committee on Justice and Legal Affairs, will have the effect of enabling a person who has been convicted of an offence other than, shall we say, a very minor traffic offence and who makes application to the Solicitor General and obtains a pardon under the provisions laid down under the act to say "No" when answering the question: Have you ever been convicted of an offence?. In other words, the conviction record shall not continue, and the fact of the prior conviction, followed by good conduct as required by law, shall not operate forever to bar a person from employment and shall not raise embarrassing questions on, say, an application for citizenship or some other certificate to which a person of good conduct would be entitled.

I have raised this question in connection with employment application forms and certificates of citizenship, but there is also the question of the committal to mental hospitals to be considered. I hope we can see our way clearly to eliminate that question as well. As I pointed out to the Secretary of State (Mr. Pelletier), there are many people today who commit themselves. They are not committed by a court; they commit themselves to a mental hospital as voluntary patients for varying periods of time until they recover from alcoholism, from minor nervous breakdowns or other ailments. There is nothing wrong with that. They are not persons of poor character as a result thereof, and I cannot see why a person who has been in a mental hospital as a voluntary patient, considering the state of the treatment of mental patients today—and I hope ultimately that