

Prohibition of Inquiring into Arrests

• (4:00 p.m.)

Mr. Sharp: Yes, Mr. Speaker. It is my understanding that the agreement that is negotiated permits us to fish in their waters even within the three miles, and therefore we would certainly continue giving reciprocal rights to the United States.

Mr. Speaker: Is the hon. member rising to ask a question?

Mr. Fairweather: No, sir. I am rising to move the adjournment of the debate, if I may.

Mr. Speaker: We can hardly do this now as we have gone past four o'clock. It is the duty of the Chair to remind hon. members that at this time, according to Standing Orders, we should go on to private members' business. However, the table officers are looking at me and urging me to ask the consent of the House to annex to today's *Hansard* the document referred to by the hon. Secretary of State for External Affairs (Mr. Sharp). Is this agreed?

Some hon. Members: Agreed.

[*Editor's Note: For document referred to above, see Appendix.*]

Mr. Speaker: It being after four o'clock, the House will now proceed to the consideration of private members' business.

PRIVATE MEMBERS' NOTICES OF MOTIONS

JUSTICE AND LEGAL AFFAIRS

PROPOSAL TO ESTABLISH ADVISORY COMMISSION ON REFORM OF CRIMINAL LAW AND THE PENAL SYSTEM

Mr. Douglas A. Hogarth (New Westminster): I rise on a point of order, Mr. Speaker. I have on the Order Paper motion No. 26. This motion has been completely incorporated in government legislation which is before the House and I would ask unanimous leave of the House to withdraw the motion.

Motion withdrawn.

PROPOSED PROHIBITION ON INQUIRING WHETHER ANY PERSON HAS BEEN CHARGED OR ARRESTED ONLY

Hon. Marcel Lambert (Edmonton West) moved that, in the opinion of this House, the government should take all measures within its competence necessary to prohibit any one,

[Mr. Howard (Skeena).]

in public or private office from making oral or written inquiry of any other person, who applies to him by reason of his holding that office, which inquiry would require that other person to disclose only, directly or indirectly, that a charge or complaint had been initiated, or information laid, or indictment preferred, against such person or that such person had been arrested only, under the criminal law of Canada, a law enacted to enforce any law of a province, or any law of a foreign state.

He said: Mr. Speaker, the purport of my motion is to draw to the attention of the House that the rights of citizens of this country are often infringed upon, sometimes through inadvertence but at other times through deliberate action in the administrative process. My motion merely states that in so far as the jurisdiction of the federal government is concerned, it will not be possible to insist that a person applying for a position, or for a passport or citizenship certificate, for instance, disclose either orally or in writing that they been charged, and charged only, with an offence; and, further, not only under a federal or provincial statute but the statute of a foreign land.

Mr. Speaker, last June it came to my attention that the Department of the Secretary of State issued form No. CR 302, an application for a certificate of citizenship by a British subject. Question No. 9 on that form had three parts which read as follows:

(A) Have you ever been charged with any offence other than a minor traffic violation?

(B) Have you ever been fined for other than a minor traffic violation or sentenced to a penitentiary, prison, gaol or reformatory?

(C) Have you ever been committed to a hospital for mental diseases in Canada? If so, give full and complete details.

In the month of November it came to my attention that the Canada Manpower Centre when hiring temporary staff for the Post Office for, say, the Christmas rush, included in its application form this question: Have you ever been charged with a criminal offence?

On the basis of the document issued by the Department of the Secretary of State I wrote to the minister on June 17, complaining about the injustice of question 9(A). I pointed out that in a court of law it is not possible to ask a person whether he has been charged, only, with an offence and that it is a fundamental right in common law that the question cannot be asked. I also had difficulty with the interpretation of what is a minor traffic violation.