

*Immigration Act, 1976*

Then it goes on to describe all the ways of seizure, all the ways the vehicle can be dealt with and what can and cannot be done as far as selling it goes.

The Hon. Member said that another reason he could not support the Bill was that there was no provision for dealing with unscrupulous consultants. I may be wrong, and I certainly do not claim to have the only legal opinion in the world, but it appears to me that Clause 9 of the Bill would deal with unscrupulous consultants. The Bill reads:

"95.1 Every person who knowingly organizes, induces, aids or abets or attempts to organize, induce, aid or abet the coming into Canada of a person who is not in possession of a valid and subsisting visa, passport or travel document where one is required by this Act or the regulations is guilty of an offence and is liable—

It seems to me that that provision as well as the subsequent provision in the clause could be used to lay charges against people in those circumstances.

● (1430)

The final point he raises deals with the lack of exclusion from the Bill of humanitarian groups, refugee aid groups, churches and others. He indicates this is a major reason for not supporting the Bill. I would not want to suggest that I can cite all of the instances where there have been exclusions of organizations of this sort, but in the Criminal Code of Canada there is a provision for something called theft. We do not exclude, say, a very poor mother from prosecution if she steals a loaf of bread to feed her family. Of course, as the Hon. Member knows from his long and distinguished legal career, the courts have their own way of dealing with those things if ever a charge were laid against such a person.

Given all that, I find it somewhat difficult to understand, and perhaps the Hon. Member could expand on his remarks, why he could not support the Bill for the reasons he gave.

**Mr. Kilgour:** Mr. Speaker, I have great respect for the Hon. Member for York East (Mr. Redway), as he knows, and I take his question very seriously.

To start at the end, it is true that if a poor person steals bread that person is still liable to be charged. The Hon. Member knows as a lawyer that the court can give an absolute discharge or do all sorts of things. However, my concern is that you have such widespread concern among people in Edmonton, Toronto, in every city, town and probably village in Canada, that this Bill will hit someone in their congregation who tries to help a refugee. They have taken the trouble to come to Ottawa, many of them, to complain that they are being singled out or lumped together with traffickers in human beings, and that indicates there is probably something wrong with that part of the Bill. The library has a file that thick of material from people with concerns about the Bill. I think it is time to take another look at it.

The Hon. Member also referred to the fact that this Bill does not authorize the arresting or seizing of a vessel. He

referred to the seizing of a vehicle. I refer to Clause 8 on page 7 where it says:

Where the Minister believes on reasonable grounds that a vehicle—is bringing any person into Canada—the Minister may—direct the vehicle to leave or not to enter the internal waters of Canada—

That is what I was getting at and I have great concerns about that.

I have attempted only to give examples of my concerns. Perhaps he did not like my examples, but I believe they are true. I am sure he is aware that there are many people of intelligence, knowledge and experience who are concerned about this Bill. We want to be tough but we also want to be fair. This Bill certainly errs on the side of being tough. I am told by people over in the Department across the river that they call it the 3-D Bill: Detain, deter and deport.

As I indicated, I am not going to be here to vote against the Bill, but I have sufficient concerns about it that I am certainly not going to be here to vote for it.

**Mr. Marchi:** Mr. Speaker, I would like to commend the Hon. Member for Edmonton—Strathcona (Mr. Kilgour) for his position. Given the nature of our political system, it takes courage to back up one's convictions. I believe he is the second member of the Government, the other being the Hon. Member for La Prairie (Mr. Jourdenais), Chairman of the Standing Committee on Labour, Employment and Immigration, to stand up and be forthright on this issue.

I do not say this lightly or in an attempt to take advantage politically of any statement of either of those two gentlemen. I simply wish to commend them because it has been a struggle to try to move the Government and a committee made up of largely government Members to amend the legislation, not to throw it away or go back to the drafting board but to allow those who wish to enhance and protect the refugee constituency and those serving that constituency to work within the system rather than simply stand there as witnesses to a process racing by them. I would like to commend the Hon. Member for being of assistance to that constituency.

I would also like to suggest he was quite correct with respect to Section 95.1. Unlike the example of the Hon. Member for York East (Mr. Redway) with respect to someone stealing bread, we are not talking about one law applicable in general. This is the creation of a new offence. It is similar to creating a separate offence for stealing bread. That is the major difference. We are creating a new offence which places priests and nuns and others helping refugees in the same category. The operative words are "without a visa". We have had thousands of refugees without visas aided by priests and others. I commend the Hon. Member for his articulation of those two points.

**Mr. Riis:** Mr. Speaker, I, too, want to join with my friend from York West (Mr. Marchi) in expressing our appreciation for the position taken by the Hon. Member for Edmonton—Strathcona (Mr. Kilgour). It is very much a question of ethics