

Mr. Dan Heap (Spadina) moved:

Motion No. 40

That Bill C-55, be amended in Clause 14

(a) by striking out line 40 at page 16 and substituting the following therefor:

"their decision and their reasons in writing as soon as possible after"

(b) by striking out line 18 at page 17 and substituting the following therefor:

"and the reasons therefor in writing as soon as possi-"

(c) by striking out line 10 at page 18 and substituting the following therefor:

"decision and the reasons therefor in writing as soon"

(d) by striking out line 27 at page 18 and substituting the following therefor:

"decision and the reasons therefor in writing as soon".

Mr. Hawkes: Mr. Speaker, I rise on a point of order. I paid close attention to Motion No. 40. I think Your Honour might find that in subclause (b) and subclause (d) that the lines specified for removal cannot be correct. They do not sensibly fit in in the text. I think that if the Hon. Member for Spadina (Mr. Heap) has a correction to offer, then it might be appropriate to proceed. If he does not have a correction, then it might make more sense for the House to proceed to the next grouping while the numbers are looked at. If we are to accept the motion as it is presently written it would not make sense if it were adopted.

Mr. Heap: Mr. Speaker, I rise on the same point of order. I thank the Hon. Member for Calgary West (Mr. Hawkes) for bringing this matter to the attention of the House. He has told me that he reads over all the amendments very carefully, and he has just proved that.

Indeed, there is a typographical error here. I would ask for the unanimous consent of the House to amend my motion to read as follows:

(b) by striking out line 8 at page 17—

I think the Hon. Member for Calgary West will find the words he is looking for at that line. Part (d) should read:

(d) by striking out line 20 at page 18—

Mr. Deputy Speaker: Does the Hon. Member for Spadina (Mr. Heap) have the unanimous consent of the House to make the proposed changes to his motion?

Some Hon. Members: Agreed.

Mr. Deputy Speaker: On debate, the Hon. Member for Spadina.

Mr. Dan Heap (Spadina): Mr. Speaker, I thank Hon. Members for their assistance. This motion obviously makes one point in four places, and there are more places in which it might be made, too, but these are the ones that came to my attention.

● (1620)

It is during the preliminary hearing or screening, as it is sometimes called, that people are to be tested for eligibility

Immigration Act, 1976

and credibility. We have, therefore, two pairs of alternate decisions that may be made by the adjudicator and the refugee board. They both may find him not to be eligible, or one might find him to be eligible. If he passed that test, they might both find him not to be credible, or one might find him to be credible. So there are four possible decisions reflected in Motion No. 40(a), (b), (c) and (d). The Government introduced the amendment with the underlying words, "that they shall give their decision and the reasons therefore", for which I am grateful, but I am asking also that the reasons be in writing.

My reason is that it is not only fairly customary in judicial or semi-judicial proceedings, but it will greatly expedite the action of review, if that is sought by the claimant. If the claimant receives a negative decision on either his eligibility or credibility, the Bill provides within very limited circumstances that he may have a review of that decision. However, his lawyer, the lawyer he has chosen or one provided by the Minister, unless he has chosen to go without a lawyer, will want to know the reasons for the decision in order to deal with them.

Rather than having to make a special application to get a copy of the reasons, I think it would be much more reasonable for the lawyer to receive them automatically. In other words, the reasons would be provided in writing. I am advised by persons experienced in cases before the Immigration Department that this is not an onerous requirement. I hope we will not hear from the opposite side of the House that this will cause weeks and months and years of delay and allow in 50,000 bogus refugees. I believe it is a very limited request we are making, and a very customary one.

Mr. Benno Friesen (Parliamentary Secretary to Minister of Employment and Immigration): Mr. Speaker, I just want to put on the record that the Bill already requires that reasons be given. I think there was general agreement with the standing committee when it held its hearings in December that since we will have electronic recordings going on at the same time, that that would be adequate. Those who met at that meeting thought it would be adequate. Actually, that would be to the advantage of the claimant because he can use the recording immediately rather than waiting for a printed transcript. I do not credit the Hon. Member's premonition that we would be afraid of massive backlogs as a result of this. However, it would be to the claimants advantage to depend on the recording and be able to work with his counsel, who will be with him at the time in any case, and he could proceed with his appeal at any time. We think this particular amendment would work to the claimant's disservice and we should not support this motion.

Mr. Ian Waddell (Vancouver—Kingsway): Mr. Speaker, I do not see what the Government's problem is, if it wants to have the rule of law properly applied. If it simply wants to rely on a transcript, there may be delays in getting the transcript. The transcript may not be complete. Who pays for the transcript? How long would it take to get the transcript? If