

Establishment of Immigration Appeal Board

Commons. In the latter decades of the last century there were bills which on third reading were referred back to committee as many as 50 or 60 times. I am not suggesting we shall be doing that today but I am saying it is completely in order to do so. The house did not reject the idea of recommitting the bill. It rejected the amendment to recommit it for the reconsideration of clause 17. This amendment is an entirely different proposition and I maintain it is in order.

Mr. Lambert: Mr. Speaker, it seems to me that the hon. member for Medicine Hat failed to read the whole of citation 415, as was pointed out by the hon. member for Winnipeg North Centre. In the second paragraph it is stated that a bill may be recommitted a number of times with or without limitation and that in the latter case the whole bill is opened to reconsideration. But in the former case it says that the committee can only consider the clause or amendments or instructions referred to them. If the first amendment had carried the committee of the whole could have considered clause 17 and the instructions given by the house with Mr. Speaker in the chair.

If one pursued the argument advanced by the hon. member for Medicine Hat to its logical conclusion one could secure a recommitment on a very minor point where both sides of the house were really in agreement, but in order to bar consideration completely one could seek referral back on a point which would have no hope of carrying and then all the more important and contentious points would be effectively barred. The amendment may be unacceptable to Your Honour but certainly not, I would suggest, on the ground advanced by the hon. member for Medicine Hat.

● (5:20 p.m.)

Mr. Speaker: I thank hon. members for their expression of views in connection with the point of order raised by the hon. member for Medicine Hat. I am sure the hon. member has had an opportunity to reconsider the matter and with his usual sound judgment on procedural matters has convinced himself he was wrong in the first instance. I am certain that the argument advanced by the hon. member for Winnipeg North Centre and the hon. member for Edmonton West is the correct one and that the question now proposed to the house is entirely different from the one proposed in connection with the amendment which was defeated earlier this afternoon. Therefore I cannot accept the point of order raised by the hon. member for Medicine Hat.

Mr. Bell (Carleton): Mr. Speaker, when the point of order was raised I was indicating that we in this party were very far from satisfied with the existing provisions of clause 21. Our dissatisfaction was clearly indicated a week ago today when we proposed an amendment to it. The amendment we proposed was directly in line with the recommendations made by Mr. Joseph Sedgwick, Q.C., to the effect that the validity of security or criminal intelligence reports should be determined not by the certificate of the Minister of Manpower and Immigration (Mr. Marchand) and the Solicitor General (Mr. Pennell) but by the board itself, that they should be laid before the board but that before the board they should, however, be kept secret, although the appellant should be made aware of the fact that it is a security or criminal intelligence matter which is being raised against him.

In those circumstances, at least knowing the nature of the case he has to meet, the appellant would be able to bring evidence that might establish to the board that the evidence presented by the minister was not sufficient to constitute the appellant a security risk or to demonstrate that he had not the criminal record which was indicated. That amendment, which was in line with Mr. Joseph Sedgwick's proposals, was voted down by the committee of the whole.

Subsequently the hon. member for Greenwood (Mr. Brewin) presented an amendment which in my view was totally unacceptable. With the objective he had in mind of democratization of the procedures in relation to this matter I have the most complete sympathy, but the procedures and techniques the hon. gentleman proposed in committee of the whole were ones which would not achieve the purposes he had in mind. I can only assume, unless the hon. gentleman is prepared to say something different, that that is what he intends if this amendment is carried and the bill is recommitted to committee of the whole.

In committee of the whole I would not be able to support an amendment in any way similar to that which the hon. gentleman proposed in committee of the whole previously. On that occasion he left completely alone the question of criminal intelligence reports. Yet this is a field which in today's context may be even more important than security itself. The hon. gentleman would have left the whole field of criminal intelligence reports without any provision in the bill and without any protection of any kind whatsoever for