

first choice is made. I hope this bill is a beginning and that the government will recognize that this is the best way to function. For this reason we now have removed from the minister what always should have been an area of either judicial or quasi-judicial decision. By this bill we purport to set up a board as a court of record with certain judicial functions.

There are still some exceptions about which I am not happy. The hon. member for Carleton and the hon. member for York South (Mr. Lewis) have dealt with these. I do not know to what extent the bill is susceptible to amendment in committee. I am inclined to doubt that it will be. I had hoped that when the government went this far it would have been prepared to take more giant strides. After I have finished and other members have spoken the minister probably will speak in closing the debate and I hope he will indicate the degree of flexibility he intends to exercise when the bill reaches the committee because I think there are some very important changes which should be made, some of which have already been touched upon by other hon. members who have participated in the debate.

We now have established the principle, which I think is very important, that there must be an examination by an independent tribunal. This is a very far reaching innovation and I am very happy to see it. Some mention was made by the hon. member for York South and the hon. member for Carleton of the speech made last night by the parliamentary secretary to the minister who told us that the bill came forward a little more rapidly than was anticipated. I question, as do other hon. gentlemen, some of the statements he made. It is not only this bill we must examine but rather this bill read in relation to the present Immigration Act and regulations and also having in mind some of the judicial interpretations which have been made in cases which have been the subject of discussion, some of which have gone to the Supreme Court. I think we must take all these together. There are concentric rings involved.

Quite frankly, I have not been able to inform myself as well as I should have and it may be that the criticisms I am now making have been made. I listened with great interest to the parliamentary secretary. I thought his speech was well delivered and included many

*Establishment of Immigration Appeal Board* pertinent factors. However, as found on page 13268 of *Hansard*, for instance, he said:

The board will be authorized to deal conclusively with all appeals against deportation orders. The one proviso is that provided the deportation order is found to have been legally made, it must be carried out where in criminal or security cases the board is provided with proper certification from the Solicitor-General—

And so on. Then again:

The discretionary authority of the board is defined according to two types of deportation cases. Where a legal resident of Canada has been ordered deported and has appealed, the board can decide what is fair and reasonable in all the circumstances of the case. On humanitarian or other grounds it can set aside a deportation order, however legally valid.

I must say that I agree with the hon. member for Carleton and the hon. member for York South that there does not seem to be anything in the bill to justify this. True enough, under clause 15, once the appeal is heard and a decision made there is a right to stay the execution of an order on the grounds set out. Under subclause (1) (b) (ii) of clause 15 the board can take into consideration the existence of other exceptional circumstances. But this is in connection with a stay of proceedings. So far as the exercise of the authority in the present act by the board is concerned, there is no right other than to examine the provisions of the Immigration Act as modified by this bill and then act accordingly. Once a decision has been made then, with certain exceptions, I think the board has the right to take into account exceptional circumstances. In the decision as to what are exceptional circumstances the board may be compelled to follow the other provisions of clause 15. I do not know. I hope the minister may be able to convince me that I am incorrect in my view about this.

• (5:20 p.m.)

However, my position is that when the rights and liberties of people are dealt with the whole apparatus of the state is arrayed against the individual. As one who has been active for 40 years in proceedings in which I have consistently acted against the crown, I know what is involved in this question. I know that the crown, with all the money at its command, with all the expert advice, assistance and witnesses it can call, with all this great apparatus at its hand, poses a very considerable threat to any individual, not deliberately but merely because of its sheer weight and bulk.