of appeal, an appeal by a sponsor. The principle I want to establish in this amendment is applicable to all types of appeals. The proposed amendment deals with a matter that has already been discussed by my colleague the hon. member for York South.

The purpose of this is to ensure that when this board decides cases it shall, if either the department, the minister or the appellant so desires, furnish reasons for its decision. I think it is an essential principle, not only for this tribunal but for all tribunals dealing with administrative matters. I have discussed the question with the minister and with the deputy minister. They have suggested to me that a court of record would, without the indication of such a clause and as a matter of general practice, give reasons for its judgment.

Well, I have had a great deal of experience, if I may say so, both in courts of record and in other tribunals, and quite frequently no reasons are given. The present Immigration Appeal Board habitually gives no reasons. The result of this is not only a feeling of injustice by the aggrieved party, but the failure to build up a system of jurisprudence as it were, a system of principle, upon which decisions of this tribunal are based. It may very well be said you could leave that up to this court of record. I say to the minister, through you, Mr. Chairman, that despite the advice the minister may have received from other sources it is not a fact that courts of record automatically give reasons, whether they are asked for them or not.

• (3:50 p.m.)

There is another point involved in this. By a later clause the bill purports to grant a right of appeal on matters of law to the Supreme Court of Canada, but this right of appeal can be rendered absolutely valueless because an appellate tribunal such as the Supreme Court of Canada cannot possibly determine whether any points of law are involved or whether they are erroneous or sound, without seeing the reasons. There may be many cases in which the only reasons which need be given are short ones such as: According to our previous decision in such and such a case this appeal is dismissed, or allowed, as the case may be. Perhaps the reasons would not have to be elaborate, but unless the basis for the decision is made available, then half the purpose of the whole bill could be destroyed.

I am not proposing something that is unique in this field of immigration. Those who have studied administrative tribunals and appeals therefrom in other fields are beginning to insist that this be the practice in order to make the system work with justice and fairness and in a way which is consistent, so that you do not have one decision by one board constituted in one way today and a totally different series of decisions when boards are differently constituted in the future.

I do not believe that in principle the minister has any objection to my amendment. I think his only objection is, as he says, that it is not necessary. I beg to differ with him. If it is not necessary, then no possible harm can be done by making sure that in cases where one party or the other desires reasons they shall in fact be made available. By doing this we would strike at what has been such a hopeless situation under the present immigration appeals system, where consistently nobody knows why a particular case has been disposed of in a certain way. They cannot, therefore, either complain about it, ask for a rehearing, or understand for the future the principle supposed to have been involved.

Mr. Marchand: Mr. Chairman, as I mentioned before, it is not an objection in principle. I agree that it should be so. If it were not so, I would be seriously disappointed because then it would not be the court which we intend it to be. I do not know of any court which by law or statute is compelled to render a written decision. We presume the board will do this, because as the hon. member mentioned it is a court of record and it is our understanding that the board will give reasons.

This court or board may have several hundreds of cases before it and probably many of them will not deserve any written decision. Possibly the applicant himself will not insist on having a decision or possibly he may not desire for personal reasons to have a decision. So, I do not see why we should compel the board to do so. Even if this suggested amendment were acceptable—and I do not believe it is—clause 10 is the clause which deals with the proposition that the chairman of the board may authorize a member of the board to make an inquiry, and report to the board. I think it should be placed somewhere else. I am neither a lawyer nor a technician, but it would hurt my good sense to include it in this clause. I do not believe this would be the proper place.

Mr. Brewin: Mr. Chairman, I would be quite happy if this matter were placed in a separate clause. I agree with the minister that