

the designation of domicile as it presently exists. The minister will well recall that in the discussion we had concerning the inclusion of the domicile provision in the new legislation, he was quite willing to recognize that for many hundreds of thousands of people—and we cannot fix an exact figure because apparently exact figures are not kept—the domicile provision and designation will still apply.

That is very clearly why it is part of clause 127. Therefore, when this bill comes into effect there will be a domicile provision, a domicile designation and a domicile categorization. While it is quite true that it will be quite different with respect to the functioning of the law—Bill C-24, as compared to the present law—it is not true to say that there will not be, for the purposes of definition or even of administration, the concept of domicile. That is why I argue strenuously that this is not a new concept. It was an important concept, and it was incumbent upon the department to provide some kind of recognition and continuing designation for a very substantial number of people who have lived in this country, for a considerable length of time in some instances, and who will have to live, as long as this new bill will be in effect, under the designation of domicile.

So I argue that it is not just a question of what was in the former act. That has been suggested, and I think that is a valid point in terms of the importance of it. I argue that it is also in this bill and it is very clearly defined in clause 127. That sets out very clearly the legal situation and the legal protection for those who enjoy the designation of domicile. Of course, it will be fixed to a date, the date of the proclamation of this bill; but this bill in no way discontinues the designation of domicile. What is proposed by the hon. member for Okanagan-Kootenay in motions Nos. 2 and 9 is merely the extension of the provisions of domicile as they are set out in clause 127, and to elaborate them somewhat; but certainly not to introduce a new definition into the context of this bill.

Having said that with respect to those two motions, I must say, quite frankly, that my arguments and my position can be a good deal more convincing with respect to that, as well as to the questions Your Honour has raised concerning a number of my motions, particularly motion No. 40 which would establish a refugee claims board. As Your Honour has recognized, I was attempting, through a series of amendments, to set out a particular procedure with respect to dealing with refugees. The minister is well aware of this because it was discussed in committee.

Mr. Speaker: Order. I think the record would be a little tidier if we dealt with one set of motions at a time. If the hon. member has concluded with respect to motions Nos. 2 and 9, perhaps I can now see if there are any other hon. members who wish to make a contribution to that argument. If not, perhaps I could conclude.

I have some sympathy with the arguments which have been advanced with respect to these motions. I do not want to mislead the House by saying that the concept is unknown to the immigration law. In fact, the concept was part of the statute as it existed previously. Neither do I want to indicate

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that it is not relevant to the bill. I do not want to confuse any of that language. Certainly, anything which would define the status of people in Canada would certainly be relevant to this bill because it relates to the subject of immigration.

The problem I have is simply this. The bill which the House passed at second reading contains a principle. The principle is the repeal of the existing law on immigration and the replacement of that law with the one contained in Bill C-24. One of the principles involved in that, however those principles are defined, seems to be the elimination of the concept of domicile. The argument made with respect to clause 127 seems to be a counter-productive argument, with all due respect.

In fact, it seems to me that clause 127 simply advertises that elimination and makes provision for those who up to the time of the passage of this bill had acquired domicile. That seems to me to be a reinforcement of the fact that one of the purposes of this bill, which was passed at second reading, is to repeal the immigration law in such a way as to remove the concept of domicile and replace it with the concept described in clause 4 of the bill.

My difficulty there is not whether the concept is a new one, in the sense of the immigration law, or whether it is relevant, but whether it is appropriate to permit, by way of a motion at the report stage, an amendment to a bill which, it seems to me, would be counterproductive to the very basic principle of the bill. One of the basic principles and purposes of the bill is the elimination of domicile from the law. It seems to me that to permit an amendment which would reinstate the law of domicile is to say that amendments could be used to contravene directly the principle of the bill. That is something which we obviously do not support and I cannot consider.

The language used in clause 4 of the bill leads me to believe that it is certainly intended to be a rather fundamental principle of this bill that the concept of domicile be removed. Therefore, any amendment at this stage which would seek to reinstate that falls into precisely the same category as amendments which I previously had to rule on and which one by one sought to reinstate capital punishment when it had been removed by the bill. I ruled in each case that those amendments were directly contrary to the principle of the bill.

I find the parallel here irresistible. If this were simply a change of some detail, or some incidental circumstance with respect to the application of the bill, I would follow and accept the arguments of the hon. members who have spoken in favour of the amendments. The reason for my ruling them out is that they offend the principle of the bill.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I rise on a point of order. Earlier this afternoon, when one of Your Honour's deputies was in the Chair, a point was raised about the possibility of some recorded divisions being taken tonight. I complained that this was raised before any opportunity for consultation. So far as I am concerned, that consultation has now taken place, and we are prepared to agree to the taking tonight, at 9.45, of recorded divisions on any report stage amendments stored up to that time, so to speak. But that is all