reference to it. It would be as though the Immigration Act was blind to a new provision which had been made under Bill C-71.

Yes, it would be the view that if someone has been here as a permanent resident and now falls under the inadmissible class of Section 19(1)1(j), he is deportable just as every other person mentioned on Section 19(1) is deportable if they are a permanent resident.

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.

Mr. Deputy Speaker: The question is on Motions Nos. 1, 4, 7, 11, and 18. A vote on Motion No. 1 will be applied to the other four motions. Therefore, the question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motions Nos. 1, 4, 7, 11 and 18 agreed to.

Mr. Deputy Speaker: Motion No. 2 will be debated and voted on separately.

Mr. Dan Heap (Spadina) moved:

Motion No. 2

That Bill C-84 be amended by deleting Clause 2.

He said: Mr. Speaker, Clause 2 and Clause 3 are really, as explained in the notes, consequential on Clause 4. However, I understand we have to take them up as they come.

The effect of Clause 2 or Clause 3 is to separate out certain groups from an action that is taken by Clause 4. The effect of the three clauses together is to set up a new procedure around the matter of security certificates. In the existing legislation we have provision for security certificates.

The Minister of Employment and Immigration (Mr. Bouchard) and the Minister of Justice (Mr. Hnatyshyn) together may sign a security certificate which accuses a certain person of being in effect a threat to the security of Canada. They are not required by law to provide information as to the nature of the action the person is accused of committing, nor are they required to provide any of the evidence. The argument for that contrary to our otherwise normal legal procedure in Canada is that to describe the act or the evidence might of itself endanger the security of Canada or the security of certain persons. This provision has been in force for some years and I am told that in the last couple of decades about 23 people have been accused under that provision.

There is a limited degree of protection of the rights of the persons so accused. The charge and the evidence are reviewed by the Security Intelligence Review Committee, the same body that was set up by Parliament to monitor the work of CSIS, the Canadian Security Intelligence Service. The Security Intelligence Review Committee will review the information, the accusation and the evidence, and it will describe some of it to the accused person, to the extent it believes it can give that information without endangering the security of Canada or the safety of any persons. The accused person is allowed to respond to that limited part of the information. The Security Intelligence Review Committee then makes a recommendation to the Minister as to whether the certificate should be sustained or not. If the certificate is sustained, and if the Minister judges that the person is a threat to the security of Canada, that person may be deported.

What is being done by the new law is to say that while the earlier law applies to Canadian citizens, if they are so charged, and to permanent residents of Canada, if they are so charged, it does not apply to others such as visitors on a visitor's visa or to people who have come in without any adequate documentation such as many refugee claimants claiming what we have provided in our law as the Inland Refugee Claim procedure. Those people, including those refugee claimants, instead of having the certificate reviewed by the SIRC will have it reviewed by the Supreme Court. We will be opposing that when it is dealt with under the amendments relating to Clause 4.

• (1150)

I will not go at length into the reasons for opposing it now. Since we are opposing the creation of this new procedure for those who are neither citizens nor permanent residents of Canada, we therefore oppose the separation of those people from citizens and permanent residents in the division of this law into two parts. There seems to us to be no sufficient reasons shown why the matter should be put before the Federal Court of Appeal rather than the Security Intelligence Review Committee.

Very briefly, the explanation given by certain persons, staff and certain Members of Parliament, is that it will expedite the action. That seems very questionable since there seems to be great evidence that the Federal Court has as great a backlog, if not a greater backlog of business, than does the SIRC. Although at present the SIRC meets only monthly it is able to meet in panels or as single persons in order to deal with matters as they come up.

To my understanding there has been no delay, or no undue delay, in having these cases, the few that have occurred, looked at by the SIRC. There may well be a delay of months, according to the backlog of the Federal Court. That would be potentially injurious to the accused person who, of course, is being detained. That sort of delay and prolongation of the process certainly increases the administrative burden of the Department and of the justice system.

Further, the Federal Court has no expertise as such in security matters. Whether some individual members may have a background in security or not, the court as such has no expertise in that area. As the Parliamentary Secretary to the Minister pointed out during debate at second reading, the court has access to the security information provided by CSIS. It has the same access as does the review committee. That is