

liability on either level of government and would be only executed by the Securities Issuer. This contractual mechanism would supplement the Regulations, permit greater flexibility and would provide for:

1. quarterly financial reporting;
2. the right to enter the premises of the Securities Issuer for the purposes of auditing;
3. the right to take extracts from the books, records and files of the Securities Issuer; and
4. the appointment of a receiver in defined circumstances.

In this regard, it is essential that the Assistant Deputy Minister for the Business Immigration Program have the responsibility for exercising these powers and that provinces participating in the Program similarly designate a responsible person for the exercise of these powers. This will ensure that in all situations there are two officials representing both levels of government each with the power and responsibility to act in appropriate circumstances to protect the legitimate financial interests of the immigrant investor.

Although it is hoped that the changes recommended in this Report will effectively and significantly improve the Program while Securities Commission participation is being pursued, your Committee views provincial participation in the Program as essential and therefore endorses Task Force Recommendation 32.

TASK FORCE RECOMMENDATION 33

Amend the Immigration Act and Regulations to provide strong enforcement and monitoring powers to ensure program compliance. Amendments should include provision for the following powers:

- **allow recourse to injunction to prevent applicants significantly altering the nature or substance of an approved investment vehicle;**
- **enable recourse to the Courts for specific performance to enforce the terms of undertakings;**
- **provide the legal means to investigate and access information otherwise unobtainable, including powers of search and seizure;**
- **impose a stiff fine of up to \$100,000 for misrepresentation and non-compliance with program requirements;**
- **enable the right to require periodic reporting from program participants, including fund operators, promoters, agents and any other party to transactions governed by the Program;**