Immigration

That Bill C-24, an act respecting immigration to Canada, be amended in Clause 27 by striking out line 45 at page 20 and substituting the following therefor:

"by force of any democratic government,"

Mr. Cullen: Mr. Speaker, it is difficult to sound enthusiastic before one starts his speech. I feel I should pound on the table to get the attention of hon. members.

Clause 19(1)(*a*) seeks a workable compromise between the original text of the clause and the amendment passed in committee. Although we are sympathetic to hon. members' concerns that underlay the committee amendment, my colleague, the Minister of National Health and Welfare (Mr. Lalonde), is very apprehensive about the practical impact of that amendment.

The committee amendment added two elements to the clause: the motion of reasonable grounds, and the need for consultation with a medical specialist. Both could have serious implications for administration of the law. The reasonable grounds addition would open medical officers' prognosis to judicial review. We disagree in principle with trying to apply judicial precision to questions that must remain a matter of professional experience and judgment applied to the peculiar circumstances of each case, but apart from this there would be serious practical problems.

If a medical officer's decision can be challenged legally, it follows that he must be available for examination and cross-examination. Since most medical examinations are carried out overseas, it would be extremely difficult and costly to arrange for medical officers' availability at judicial proceedings in Canada. In addition to constant disruption of service, it is estimated costs would reach as much as $2½ million a year. Nearly all medical examinations overseas are performed by local practitioners as part of their normal practice. It is believed that few would be willing to tolerate either the exposure of their judgment to Canadian judicial scrutiny, or the need to travel to Canada at unpredictable intervals. It would be necessary to replace the whole overseas medical examination system with an all Canadian service at enormous cost.

There would be even more difficulties with the medical specialist addition. I should like to cite some of them. It is not clear how one would determine the appropriate medical specialist. It is highly questionable that one needs the advice of a specialist in every case of health impairment, for example, a child with measles or a person who had lost both eyes. There are few or no specialists available in many countries. Examination by a specialist would add substantially to the applicant's expenses. It may not be reasonable to expect foreign specialists to be able to make a judgment on danger to the public or use of health facilities in Canada. The required consultation between the medical officer and specialist would create still greater operating costs.

In short, the committee amendment would probably hamstring the immigration medical service to the benefit of a very few people. Nevertheless, in order to allay hon. members' fears about unfettered discretion exercised by single medical officers, we are prepared to offer two safeguards: first, the proposed amendment under which a finding of inadmissibility on health grounds would require the concurrence of at least two medical officers; and second, a commitment to a stipulation in the regulations to be made under clause 115(1)(*l*) that one of the factors to be considered by medical officers shall be any reports from relevant medical specialists where so indicated.

I have spelled out some of the more practical concerns which the Department of National Health and Welfare will visualize because it is the department that is responsible for this portion of the immigration laws and procedures. In committee we endeavoured to cover this particular ground and to do it in a way that was appropriate. The amendment as proposed by motion No. 13 goes a long way to allay the fears experienced by members.

Some hon. Members: Hear, hear!

Mr. Brewin: Mr. Speaker, it is difficult to speak on ten different motions all at one time. I do not propose to pursue what the minister has said about medical officers. I fail to understand the complexity of the problem as he has developed it.

Hitherto, the government, when dealing with medical cases, has proceeded on the opinion it secured from medical men. It should do that, and it should make up its own mind as to the evidence it wants to get. This theory of vast throngs of people having to be put on staff to do this job is typical of this minister and the department he represents. They conjure up totally exaggerated myths and dreams of all the terrible consequences if anything is done to change this bill.

The best thing would be to toss out the term "medical officer" altogether and insert the phrase "on the advice of a medical officer", the department may do so on and so forth. That was done before with no complaint. This myth-making by the minister, which we have been subjected to time and again, on the advice of those who advise him, has reached a point where I find it difficult to take some of these suggestions seriously.

I should like to deal with my motions which relate to the very core of what we consider to be the most objectionable feature of this bill. Clause 19 of the bill deals with the prohibition of people who cannot come to Canada. For the first time in the history of Canadian jurisprudence, it does not deal on the basis of having been convicted of an offence. It does not deal on the basis of having admitted an offence of some serious criminal nature. It deals with reasonable grounds for the suspicion that an offence is going to be done. Motion No. 14 strikes out lines 11 to 22 at page 14 of the original bill, Clause 19, which read as follows:

persons who there are reasonable grounds to believe will, while in Canada, engage in or instigate the subversion by force of any government;

The core of this is: "persons who there are reasonable grounds to believe will". It is not grounds that they have, but a belief they will do something which is considered offensive by the drafters of this legislation. The minister or his representative proposed an amendment to the original clause 19(d) which