

*Establishment of Immigration Appeal Board*

is safe to put before the appellant. Of course the board must be trusted with protecting national security as carefully as would the minister or any other member of this house.

• (3:40 p.m.)

As I said, I rose to my feet this time with much greater frustration than the minister would have felt if he had agreed to provide part of the information, because quite a few speeches have been made on this subject. I believe the hon. member for Carleton made two or three speeches, the hon. member for Peace River has spoken, I have spoken for the fourth time on this subject, and my colleagues have also done so on two or three occasions. If we cannot persuade the minister, then I guess we cannot persuade him. If a majority of the committee is of the same opinion, then the will of the minister will prevail. However, I say to him that the really desirable purposes of this bill are somewhat tarnished. I am not going to say that they are half spoiled or anything like that because he would be right in accusing me of exaggeration. However, the purposes are tarnished by leaving in the bill a totally undemocratic and indefensible position. When a practical suggestion is made to him that defends Canada's security and at the same time makes some step toward justice in these security cases, it seems to me he ought not to have his mind as closed as it appears to be.

**Mr. Bell (Carleton):** Before a vote is taken on the amendment moved by the hon. member for Greenwood, perhaps I should make my views clear. With the general objectives that the hon. gentleman seeks to achieve I have not the slightest quarrel. Indeed, I uphold them enthusiastically. However, in so far as the procedures and techniques which this amendment would import are concerned, I have the gravest reservations. This field, as I have indicated earlier, is one over which I have agonized on many occasions. The view we take was clearly set forth in the amendment which we moved yesterday and which was voted down at six o'clock last night.

In our view these security and criminal intelligence reports should be laid before the board. The validity of them should be tested by the board. These reports must be kept secret, though the existence of such reports should be made known to the appellant. The views which we expressed at that time did not meet with the approval of the committee, so we are confronted with this amendment which has a number of weaknesses in its techniques and procedures.

[Mr. Lewis.]

I point out that, in the first instance, Mr. Chairman, it deals not at all with criminal intelligence. It sets aside completely clause 21 which deals with both security and criminal intelligence and substitutes nothing whatever for the procedures to be adopted with relation to criminal intelligence reports. I believe that in this day at least this may be equally as important as the reports with relation to security. As the minister pointed out yesterday, this may be dangerous for the individuals involved. If the committee adopted this amendment we would have to go further and make some provision for reports on criminal intelligence.

There is another objection to the draftsmanship of this amendment and that is the use of the word "particulars". In my view, sir, that is a term of art well understood by members of the bar and by solicitors. A demand for particulars is provided for under the Judicature Act, and under the rules of practice must be responded to with genuine particulars. There is a wide field of jurisprudence in that regard which the Supreme Court of Canada undoubtedly would import in any interpretation of this clause.

There will always be a barrister sitting as a member of the board, so I venture to suggest the board would import into the interpretation of this amendment all the law relating to a reply to a demand for particulars. I doubt that particulars, in the form given in civil cases in the law courts of this country, could conceivably be given to an appellant without disclosing the sources. If this is done I think you would dry up all possible sources.

I reiterate that with the general objective of the democratization of the procedure for dealing with security cases we on this side are in full accord. However, the particular manner in which this objective is sought to be achieved is one which does not commend itself to us. We believe it to be deficient as compared with the proposal we made yesterday.

**Mr. Marchand:** I do not want to be repetitious, although I know that is inevitable at this stage, but I believe the hon. member for York South stated that we are denying the right of appeal under clause 21 to certain categories of immigrants or sponsored immigrants. This is not true. They still have the right of appeal to the board on legal grounds. In this case the board will not be in a position to exercise the discretion given to it under clause 15. However, the legality of the order may be contested and there may be a hearing.