

● (1720)

Secondly, can the Hon. Member comment on whether he thinks it would be possible to define the law so that it would not be necessary to use such unlimited discretion as the Minister has suggested?

**Mr. Berger:** Mr. Speaker, I think the Hon. Member was asking me about the question of equality of the law, whether prosecuting only some people under the law as opposed to others would somehow violate the equality provisions of the Charter. I think that was the gist of his question. I would really hesitate to offer an opinion immediately without having had the opportunity to reflect on it.

The second part of his question is whether the law can be more closely defined. It seems to me that this is exactly what the other House did when it said that what the Minister is really aiming at is to try to prohibit the clandestine entry of illegal immigrants or migrants, if you will. When a person working with a humanitarian or refugee aid group helps a person by bringing that person to the border, to Canadian immigration officials, whereupon that person would claim refugee status, there is no attempt to hide or circumvent Canada's laws and regulations. What those people are simply doing is knocking on our door, asking for protection. As I understand the United Nations Convention we have an obligation then to examine whether or not that person has a legitimate claim. It would seem to me that it would be a very easy way out of the problem if we made it a practice that we seek to prohibit the clandestine entry of illegal immigrants.

**Mr. Marchi:** Mr. Speaker, let me begin by congratulating the Hon. Member for Laurier (Mr. Berger) who not only spoke passionately today about what he holds dear, but has certainly given his strength and commitment throughout the process, going back to the summer and, of course, before then.

To a certain degree, I suppose above and beyond the technical aspects of the debate, the legal ramifications, in part we are talking about a piece of legislation that, to a certain degree, will reflect a certain temperament of our country. In the end, it will also be a fight and struggle for Canadian public opinion. Canadians will ultimately decide what aspect of this debate should merit their support.

When we talk about the piece of legislation in that perspective, we are talking about Canadians having to decide between a political Party that wishes to turn back boats indiscriminately as opposed to escorting them in. We are talking about a choice between locking people up and detaining them on suspicion and hunch as opposed to a discreet way of doing it. We are talking about the option of putting people in prison or fining them for aiding the plight of refugees as opposed to rewarding them because they are assisting the Government. I suppose we are talking about whether we will have immigration officers running around like Rambo, breaking down doors and entering any premises, again simply on a hunch. We are talking about those two sides of the equation, and I was

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wondering, from that perspective, because of the temperance and moderation Canada and Canadians have displayed in the past, if the Hon. Member for Laurier could perhaps address some of his comments on that subject?

**Mr. Berger:** Mr. Speaker, in order to have a rational debate, we have to debate fact, not fiction, which suggestion has been offered up time and time again by members of the Government and by the Minister in a rather underhanded attempt to manipulate the public. The Hon. Member referred to public opinion. How can we have an educated public when the Government of this country is disseminating false information? We had an example of that in the speech of the Minister of Employment and Immigration (Mr. Bouchard) yesterday in which he said, as reported at page 12299 of *Hansard*:

The Senate also wants to limit the powers of search and seizure to day-time hours and to confine warrantless search to instances where lives are at risk. If we accept the amendment, we will seriously hamper the ability of our officers to apprehend and prosecute those who organize groups of illegal migrants. Transborder schemes would be conducted mainly at night so the perpetrators could escape Canadian jurisdiction if something went wrong.

This proposal means that in winter months when darkness comes early—

The Hon. Member for Grand Falls—White Bay—Labrador (Mr. Rompkey) knows about that. In Labrador winter comes earlier than it does in the capital.

—the time of day during which effective action could be taken would be greatly reduced. What could we say about the North where sometimes there is one hour of daylight a day?

Just think, there would be only one hour of daylight in order to conduct searches. Well, of course, that is not what the Senate said at all. The Senate proposed an amendment that a warrant issued under Subsection 1 shall be executed by day, and it continues to say, unless the Justice of the Peace by a warrant authorizes execution of it by night. The Minister says he would have no power to execute a search warrant at night if he accepted the amendment of the Senate. But that is not what the other place said at all. It said that if it is necessary, if a case can be made to a Justice of Peace, a search warrant could be executed at night. So we have another example of misinformation put forward by this Government continuously to the Canadian people.

I can only go back to the remarks I made previously, that a person who is supposed to be in a responsible position, by virtue of that position has a duty to pay careful attention to the words and the facts he puts before this House, and I am referring, of course, to the Parliamentary Secretary to the Minister of Employment and Immigration (Mr. Friesen). He stood up in this House and talked about the millions of refugees who could end up on Canada's shores if we do not pass this legislation, without attempting to put Canada's situation into perspective. He attempted to compare our situation to that of other countries without providing Canadians with the information of various types of controls the Government has at its disposal such as visas. How can we expect the public to be informed? How can we expect to have an intelligent debate?