

Statutory Instruments Act

were departmentally inspired. They were drafted by the department and accepted by the minister and the governor in council. Although I and other hon. members in the House, both privately and publicly in speeches as well as in constant correspondence with the minister and his officials, have objected and criticized some of these regulations, nevertheless Parliament has never directly accepted those regulations as such.

We are told that the law as passed by Parliament provides for the making of regulations, but let us look at the effect of the regulations. Let us consider the assessment of an applicant for landed immigrant status. We have to consider the ability of the applicant under the points system. The applicant is told he is either qualified or he is not qualified. He is not told in what respect he is deficient or to what degree he is deficient. He is not given access to his performance; no statement is given him indicating he has failed owing to inadequate training, insufficiency of language, that he has lost so many points because he is of a certain age, or anything of that nature.

He learns about his points only if he has had the gumption to ask for a reassessment and a special inquiry. His counsel or friends cannot ask for this information in order for them to judge whether the applicant should apply for a special inquiry, or to help him meet these questions. Perhaps the applicant has some evidence to substantiate his application, but he is not told what evidence is lacking. Only when he appears at the special inquiry is he told how he was rated. At one time one could obtain information about the points rating and often could assist the immigration officers with additional evidence. Conversely, you were in a position to tell the applicant, "Forget about it; there is no way your application will be approved, and there is no question of a special inquiry". Although we are told these are the regulations, the regulations have not been passed.

It seems to me that the legality of these statutory instruments must be tested. First of all, one must ascertain whether they are within the power of the act and, secondly, whether they are just or unjust to a given applicant. I do not think a committee on statutory instruments should substitute its wisdom for the determination of any application. Neither do I think it should go into immigration dossiers and substitute its judgment for that of the officials. That is not the purpose of this legislation. Then there are many other boards, and so forth, which would not concern this committee but which would be a matter for the Federal Court.

I hope I have not taken too long to examine this bill, and that I have made suggestions that commend themselves not only to members of the House but to those members who sit on the Standing Committee on Justice and Legal Affairs. Indeed, I hope to be on that committee myself. I hope the committee will be able to produce a good working bill from the present proposals.

Motion agreed to, bill read the second time and referred to the Standing Committee on Justice and Legal Affairs.

[Mr. Lambert (Edmonton West).]

• (9:50 p.m.)

LEPROSY ACT**PROVISION FOR REPEAL**

Hon. Allan J. MacEachen (for the Minister of National Health and Welfare) moved that Bill S-7, to repeal the Leprosy Act, as reported (without amendment) from the Standing Committee on Health, Welfare and Social Affairs, be concurred in.

Motion agreed to.

Mr. MacEachen (for the Minister of National Health and Welfare) moved that the bill be read the third time and do pass.

Motion agreed and bill read the third time and passed.

* * *

PENITENTIARY ACT**REFERENCE OF ANNUAL REPORT TO STANDING COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

Hon. Allan J. MacEachen (President of the Privy Council) moved:

That the annual report for the year ended 31st December, 1968, made pursuant to section 30 of the Penitentiary Act, contained in the third annual report of the Department of the Solicitor General, tabled in the House of Commons on November 3, 1969, be referred to the Standing Committee on Justice and Legal Affairs; and

That during its study of the aforementioned report, the committee be empowered to adjourn from place to place in Canada.

Motion agreed to.

Mr. McCleave: Mr. Speaker, much of today's progress has been accomplished by agreement, as a result of the excellent work of House leaders, a rank to which I was appointed today in the absence of the hon. member for Peace River (Mr. Baldwin). May I suggest that we have a five minute holiday for most hon. members and that those who wish to partake in the late show be permitted to plunge forthwith into the same.

Mr. Knowles (Winnipeg North Centre): May I ask the hon. member whether this delegation of authority was made in pursuance of the new legislation?

Mr. Deputy Speaker: Hon. members have heard the suggestion of the hon. member that the Chair now see the clock as indicating 10 p.m. Is that agreed?

Some hon. Members: Agreed.

* * *

BUSINESS OF THE HOUSE

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I wonder whether the business for tomorrow could be confirmed and, if it is what we think it is, since it is in the name of the Prime Minister who is not here, will the minister indicate who will be introducing it?