

ing my remarks, I wish to emphasize for the third or fourth time, as some of my colleagues have done, that the people who particularly concern me are those who had an order for deportation made against them under the provisions of regulation 28(1) which was *brutum fulmen*. There was a total incapacity to pass that order in council in light of section 7(3) of the Immigration Act. Those people have had their status affected by the deportation order.

I cannot accept the proposition of the minister that we are now going to pass curative legislation which has the effect of restoring deportation orders made under regulation 28(1), and possibly section 5(t) when the courts have declared that regulation 28(1) is an invalid ground for deportation. Such deportation order was void *ab initio*. There were no grounds for it and it must be void. Yet the minister is asking parliament to breathe life into these deportation orders for which there was no ground in the first place.

The minister can talk all he wants about legal niceties, but according to the estimates given by the minister it may be a lesser number; certainly it will not be a greater number than the 1,700 who were caught under inquiry and had a deportation order made against them under regulation 28(1). I refer the minister and his officials to the Podlaszecka case, a decision of the Supreme Court of Canada which is totally binding and cannot be appealed. With this two-clause bill the minister is asking that that decision of the Supreme Court of Canada be wiped out in so far as it affects the interpretation of section 7(3). The minister has not put forward any grounds why parliament should set aside that Supreme Court of Canada decision. The minister complained about the Immigration Appeal Board decision, but the principle will still apply to the Supreme Court decision.

The only way to get around this is to amend the statute, not to ask this House to deem valid an invalid regulation. Why on earth the statute has not been amended, I do not know. This is merely trying to justify a bad case. If the minister was not satisfied with the Immigration Appeal Board decision and felt he had a case in law, an appeal should have been launched right away. He should not come to parliament to suppress the rights of the 1,700 people whose rights are going to be affected.

I certainly agree that a plug must be put in, but it should be put in there now. Why act retroactively? The minister has a bad case. He now comes to us in an emergency. Visitors to this country can now apply under section 7(3) of the Immigration Act to become landed immigrants. I realize the pressure there, but such pressure is a bad basis for this type of law. All I can say is that I must oppose the minister's action in this regard. I think it is wrong. Let the minister proceed the right way by amending the section, and then I would agree with him; but not retroactively.

● (1410)

The Deputy Chairman: Shall clause 1 carry?

Mr. Lambert (Edmonton West): On division.
Clause agreed to.

On clause 2—*Persons deemed to have reported.*

Immigration

Mr. Reid: Mr. Speaker, there has been a typographical error in clause 2 of the bill. I have an amendment to correct that. I move, seconded by the hon. member for Pontiac (Mr. Lefebvre):

That Bill C-212 be amended by striking out the figure "1972-1616" in line 28 on page 1 thereof and substituting therefor the figure "1967-1616".

Motion (Mr. Reid) agreed to.

The Deputy Chairman: Shall clause 2 as amended carry?

Mr. Lambert (Edmonton West): On division.
Clause agreed to.

The Deputy Chairman: Shall the title carry?
Title agreed to.

The Deputy Chairman: Shall the bill carry?

Mr. Lambert (Edmonton West): On division.
Bill reported.

The Acting Speaker (Mr. Laniel): When shall the said bill be read the third time?

Some hon. Members: By leave, now.

Mr. Andras moved that the bill be read the third time and do pass.

Mr. G. W. Baldwin (Peace River): Mr. Speaker, before we give approval to this measure, which my friend from Edmonton West (Mr. Lambert) regards with such repugnance—and I must say I share his view—may I ask the minister two questions which I have discussed with him. I have particular regard to the fact that a number of people who may be caught by this amendment may be deserving of consideration because of the special circumstances. I can think of no better illustration than that of the girl who landed here and gave rise to this leading case. She left her native land in full and honest belief that in coming here she would be entitled to qualify, and subsequently apply after having been a visitor, for landed immigrant status. She arrived in Canada the day after the revocation of the previous regulations came into effect. I would think that here is a case where discretion should be exercised to allow her to stay.

In addition, I would hope the minister would exercise his discretion under section 8 and examine these cases with his officials. I do not believe in ministerial discretion. I think that is one of the things that was made quite clear by the committee meetings of 1966-67. I am opposed to the handling of these matters through ministerial discretion. However, because this House, very reluctantly, in the nature of an emergency, passed this legislation I would urge the minister and his officials to consider all representations and even seek out, of their own volition, some cases where injustices have been manifested and where there has been inequity.

I hope the minister would exercise the discretion which resides with him and the department and use the same provisions as are contained, for instance, in the Criminal Code which give the benefit of doubt to the person con-