should have an opportunity to object in that hearing, in that decision-making body, where it is on the public record.

In other words, this decision is one that should be made at the same level of responsibility as the decision to send a person away. The decision to choose which country a person may be sent to should be part of that decision. Those people who may be more qualified to make them, than say an enforcement officer, should be held responsible on the record for at least what happens in the sending away of a person, even if we do not know what will happen when that person arrives in the other country.

I would support, since I can speak only once about the four motions, any and all of these motions. I would ask the House to do so. Although they will be voted on in sequence, I think the last one perhaps would mend the problem in a minimal way if the other three are not acceptable.

Mr. Jim Hawkes (Calgary West): Mr. Speaker, in the last few comments of the Hon. Member for Spadina (Mr. Heap), I think he was dealing with Motion No. 30 which has to do with the need to specify the country of return for someone who is determined to be ineligible to enter Canada on the basis of having prior protection.

I would direct the Member's attention to government Motion No. 53, and I think we are in accord. What the Member is trying to achieve through Motion No. 30 is part of what the Government is trying to achieve through Motion No. 53. It certainly was an item that we discussed at great length in committee. We had some difficulty in arriving at the kind of draft we thought would fit. I do not believe the Member's drafting of Motion No. 30 is quite as solid as the Government's drafting of Motion No. 53, which is a little broader and covers all the situations that I think need to be covered. However, I believe we are in accord on the basic thrust of the motions.

• (1150)

In Motion No. 22, the Member is attempting to remove the phrase which we inserted during committee hearings after a great deal of thought and on the basis of a great deal of testimony.

The issue of prior protection hinges on the notion of *refoulement* and the notion of protection. Many of us expressed concern about this. In my initial speech at second reading I expressed my concern about the work of Cabinet and the need for Cabinet to determine the list. The committee deliberately specified that Cabinet must attend to Article 33. The statutory power and regulatory authority relates to Article 33, which is the obligation under the Convention to *non-refoulement* in a direct or indirect way.

While I respect my colleague from Spadina, I think it is a mistake for the House to accept Motion No. 22 and remove those words "Article 33". I think it is very important that Cabinet be conscious that the countries they put on the list must have an unblemished record in terms of meeting their Convention obligations related to *non-refoulement*.

Motion No. 23 is essentially designed to achieve something very similar to what the Member is trying to achieve in Motion No. 30 and which I believe will be achieved if the House supports Motion No. 53. There is no basic quarrel with that.

Motion No. 24, however, is the most disturbing of his amendments. The first line of his amendment would remove some lines of the Bill and thereby obliterate the notion of safe third country and the whole notion of eligibility and credibility. I do not understand how one can argue in committee for the need for speed, then attempt to move an amendment that would make speed impossible. We either believe or do not believe that 75 per cent to 80 per cent of the claimants who came to our shores in the last 18 months have no need for the protection of Canada. If we believe that 75 per cent to 80 per cent of those claimants in the last 18 months have no need for the protection of Canada, then we must have a speedy and cost efficient system to deter future abuses like that. Speed is the deterrent and if the House were to accept Motion No. 24 that speed would be lost.

While the additions the Member is trying to make look attractive on paper, they would essentially eliminate the possibility of putting any country on the list and allowing that list to function. It is essentially a redefinition of the Member's view of the obligations of all the countries that signed the Accord. Surely the United Nations system allows sovereign countries to remain sovereign and to meet their obligations within their own systems. I do not think it is appropriate that this House pass a piece of legislation that would require those sovereign countries in Europe and other places to redesign their total domestic law to conform to something the Member would like to see happen. If this is an issue about which we feel strong, perhaps it should be raised with the UNHCR and in committee meetings around the world. Surely, however, it would be premature and inappropriate to include a provision in the Bill which would make it inoperable in terms of one of its major principles.

I urge the House to vote favourably for Motion No. 53 when it comes up for discussion later because I believe it accomplishes what the Member is seeking in at least part of his assertions. I urge the House to reject Motions Nos. 22, 23, 24 and 30 on the grounds that I have outlined.

Mr. David Orlikow (Winnipeg North): Mr. Speaker, I must say that I am surprised, to put it mildly, at the comments of the Hon. Member for Calgary West (Mr. Hawkes). For some time he was a member of the Standing Committee on Labour, Employment and Immigration and knows of the report that was tabled. Surely he knows that there is very little relationship between what is contained in this Bill and what the Standing Committee recommended.

The Standing Committee was comprised of an overwhelming majority of government Members. It considered in great depth the whole question of immigration and made some very