

some biases and observations from a previous portfolio for which I was responsible, that of urban affairs, inasmuch as I sensed the growing concentration of population in the urban centres of this country.

I therefore consider it a practical requirement that there be consultation with the provinces and others on immigration policy. We must consult on the quantity of immigration at any given time, because the provinces, after all, are the recipients of immigrants who reach this country and the provinces must deal with them in terms of education, of housing, of welfare and in a whole series of areas in which, although some responsibilities are joint, the provinces have full jurisdiction in others. I am referring to the ability of provinces to implement necessary government assistance programs that will help immigrants. I think the consultation will need to take into consideration social and cultural factors as well as economic ones, which of course are most important considerations as well.

So I agree with the hon. member for Peace River about the method of obtaining wide debate and on there being full respect for the parliamentary process. He and I are very much in agreement on the necessity of doing this. I am hopeful that we will produce a policy paper, place it before parliament or an appropriate committee, and before the country and then receive from all interested peoples and groups throughout Canada advice and suggestions. All this we could then consolidate into a consensus. Then we would come forward perhaps with a more firm position and introduce a white paper. However, hopefully, by that time we will be moving on to legislation that will reflect a new, enlightened and good immigration policy.

The question arose—I think the hon. member for Peace River referred to it, and I recall that last evening the hon. member for St. Paul's made the point—as to whether procedures laid down by the Statutory Instruments Act has been followed last fall when regulation 34 was revoked and regulation 28, subparagraph (1) was amended. I can only say I have been assured that the procedure required by the Statutory Instruments Act was followed and the required reference was made. I say that on the basis of advice available to me. That matter in question was referred to the Privy Council and to the Department of Justice. So the required procedure was followed.

It then becomes a question of opinion. Legitimately, there can be opposing attitudes on whether an amendment will or will not stand up in law. As I say, according to the best advice of the legal people available to us, the procedure was followed. We were informed that this was possible, and we still hold to that view.

Mr. Lambert (Edmonton West): How can the minister deny the Supreme Court judgment?

Mr. Andras: With respect to the hon. member's interjection, I am saying that last night the question arose as to whether under the Statutory Instruments Act a regulation was referred for approval to the Privy Council and to the Department of Justice, as is required by that act. I give the hon. member the assurance, as I have been assured, that this procedure was followed. Not being a lawyer, and as we will be seeking leave to appeal this decision, I would not attempt, nor do I think that this is the forum for me to do so even if I were capable of it, to argue the legality of

Immigration

the decision of the Immigration Appeal Board or of the Federal Court in the case of Koo Shew Wan. I know what my bias and opinion is, and I think that matter will be dealt with if leave to appeal is granted.

The hon. member for Peace River also referred to section 57 of the Immigration Act and quite rightly said that this is the phraseology from which the power of regulation flows. The question as to whether these powers in the act, which are clearly there, are excessive or not I will not take the time of the House in answering. That is the kind of matter, among many others, that will be the subject of productive and constructive examination when we come to the real guts of the examination of immigration policy and of the legislation that will entrench that policy into law in this country.

I admit being impressed by the hon. member's argument. My attention has been drawn recently to the wisdom of such suggestions. I am often surprised about the degree of power contained in regulations. I wonder, however, how one maintains the delicate balance between the flexibility that is required and any possible rigidity in law. I know hon. members realize that flexibility is often required if one is to meet situations from day to day. I know, for instance, that the points system by which we judge the admissibility, eligibility and compatibility with Canadian society of an applicant was developed in 1967 and has continued without refinement. I myself will be examining this. I think perhaps there should be more frequent examinations of these matters, particularly in the earlier stages of any new approach. Nobody is perfect, but you begin with a sincere desire to find a good solution. One finds that practical experience dictates changes in this and changes in that area.

If we have to come back to the House every time we wish to make changes, we might find ourselves in difficulties. However, I do not think it can be argued that there are not parameters and that there are not boundaries within which we can and should be able to move. They may be somewhat narrow, and we must move between too much flexibility in regulation and perhaps too much rigidity in law.

Mr. Baldwin: Is that not the value of discussion in committee? Is not committee discussion bound to be useful?

● (1250)

Mr. Andras: It is, again, a matter of opinion whether an amendment to the Immigration Act would have been a better method of proceeding or whether a separate act should be presented. There is argument on both sides. We chose to go this way, recognizing, and we frankly admit it, the emergency situation we face, the timing, and so on.

Mr. Lambert (Edmonton West): Bad cases make bad law.

Mr. Andras: Well, that is another argument. Our action in doing this by amendment may cause inconvenience to lawyers at a later stage because they would have to consolidate their information not only with the Immigration Act but with this measure. But again, it might be possible