

Immigration

We are dealing here with a very important piece of legislation, one that sets the tone for the kind of culture that is going to prevail throughout Canada. I suppose that when in the early days la Verendrye, a French Canadian, and his sons forged out west, up various rivers, and saw the foothills of the Rockies for the first time, even he with all his imagination had very little idea how that particular area was going to develop into ranching, farming, cities and towns. I also suppose that when Cook and Vancouver came to the Pacific coast a little later, they too did not have the vision to see the great city of Vancouver and what has developed on Vancouver Island.

Let me come immediately to what concerns me about this bill. I have done a considerable amount of work on it, and perhaps when I am finished most members will agree that this will probably be one of my drier speeches in that I want to document what is in this bill. I feel it should be documented. As I say, this bill is to set the tone. All it does is build a house which has no siding, no roof, no shingles—nothing. Everything is left to orders in council.

It has been said before, but nevertheless I remind the House that in 1976, 3,326 orders in council were passed, of which only 653 were published in the *Gazette* so that Canadians would know about them. This means that there were 2,673 orders in council, pieces of legislation, about which Canadians had no opportunity to know. As we all know here, ignorance of the law is no defence, but how in the world can a person determine whether he is breaking the law if the law is not published anywhere?

This is why the hon. member for Peace River (Mr. Baldwin), and Senator Forsey in the other place, are doing such an excellent job in regard to confidentiality and secrecy of government. Even Hitler, bad as he was, published his decrees so that the people there knew what was happening. But this government—and perhaps all governments, federal and provincial are moving in this direction—is administering the law by order in council, not by the passage of an act.

A former prime minister set the tone when he said this:

Let us come to another point which I wish particularly to stress. I refer to the right set out in Magna Carta that no man shall be dispossessed of his rights without the lawful judgment of his peers under the law of the land; not the law as made by the Governor-in-Council, not the law as made by some unnamed and as yet unexisting body, but the law of the land as known to everyone.

I have already pointed out that 2,673 laws were passed in one year about which no one knew except those who drew them up, someone in the public service. He continued:

It is an essential principle of liberty and freedom that the law of the land should be known, that it should be so known that every man as he runs may read. The law should not be something which is to make its appearance in the *Canada Gazette* after some board or Governor-in-Council, not Parliament, has passed a regulation; it is something that should appear in the statutes of the country.

Surely that is a fundamental principle. The late William Lyon Mackenzie King said that during a debate in 1934, and what he said then is just as true today. However, at that time we had not reached such complexity of government as today, when most legislation is passed by order in council.

I want to tell the House a story, a very simple story, to illustrate what the danger is here. Back in the 1970's a Chinese girl by the name of Pui Chan Inoue came to Canada. She was granted permanent residency, or landed immigrant status, as it is called. While in Canada she met a Japanese and they were married. They lived in Vancouver for a considerable length of time, had three children, and then went to Japan. When they got to Japan she found that he already had a wife, so she packed up her belongings, took one or more of the children and returned to Canada. She landed in Vancouver, but no sooner had she done so than she was arrested because she did not have a visa. She could not get one from Japan, she could not get one from Communist China, the only passport she ever had was from Taiwan and she had never seen that country. As a result she was thrown in jail.

It fell to my lot, Mr. Speaker, to do something about this case, and I did not realize until I looked into the matter and worked with a number of young students how complicated was the Immigration Act at that time, as indeed, the proposed Immigration Act will be complicated. I want to ask the question: if once you are given landed immigrant status, can you leave the country and return still retaining it?

An hon. Member: No.

Mr. Woolliams: My hon. friend says no. My next question is: if you give up your permanent status, have you the right to appeal before the Immigration Appeal Board? The answer to that question is, of course, no. I want to tell hon. members about something that developed at the beginning of this case. When some people come to Canada from other countries—a lot of people cannot leave communist countries because they will not let them out—to visit their relatives, if they do not want to return they make an application. This is why the Immigration Appeal Board had a backlog of some 10,000 cases. In fact the backlog reached 18,000 cases. Orders in council were passed; then the courts ruled against them. On July 28, 1973, after the government had said, "Look, things are getting so bad that we must straighten them out with an act of parliament" parliament passed the requisite act. The new act, being chapter 28, of July 27, 1973, said in part:

● (2030)

1. For greater certainty, subsection 28(1) of the Immigration Regulations, Part I, expressed to have been made pursuant to Section 57 of the Immigration Act by Order in Council P.C. 1972-2502 on November 6, 1972, shall be deemed for all purposes to have had, and to continue to have, the same force and effect as if it had been made on at day pursuant to an Act of Parliament that authorized the making of that subsection and, without restricting the generality of the foregoing, that subsection shall be deemed to have been applicable to any person who reported to an immigration officer as an immigrant in accordance with subsection 7(3) of the Immigration Act on or after November 6, 1972, and to be applicable to any such person who so reports to an immigration officer on or after the day this Act comes into force.

The government passed orders in council under the old act. Finally, realizing that was not legal, the government passed another law.

An hon. Member: You don't know what you are talking about.