**The Acting Speaker (Mrs. Champagne):** If I may have the attention of the House for a moment, I think an explanation should be given at this time.

Motions Nos. 13 and 14 were introduced on Friday and the Hon. Member for Spadina (Mr. Heap) as well as the Hon. Member for Calgary West (Mr. Hawkes) and the Hon. Member for Laurier (Mr. Berger) spoke on those motions. However, they did not have the opportunity to speak on Motion No. 11 as it had not been introduced at the time. Hence, the Chair will consider this to be a new debate and Hon. Members who would like to participate in debate on Motions Nos. 11, 13 and 14 may do so. The Hon. Member has the floor.

**Mr. Heap:** Madam Speaker, as it happens, I will use my 10 minutes to concentrate on Motion No. 11, but my remarks will cover the others as well.

Motion No. 11 is the attempt to correct the error the Government made in establishing this unfortunate system of screening and particularly the notorious concept of a safe third country. Apparently this is a concept invented by the Canadian Government. It has no standing in law outside Canada. There are no agreements in force between Canada and any other country in this respect. There may be some bilateral agreements between France and Germany or countries like that, but there is no standard concept of a safe third country.

More than 40 witnesses spoke to the committee during the 44 and a half hours of hearings. The Government waited until those witnesses had finished speaking before it introduced, during the clause by clause hearings in the committee, an amendment to the safe third country clause.

That clause had indicated that a person is not eligible if the claimant came to Canada from a country other than the country of the claimant's nationality or where the claimant has no country of nationality, the country of the claimant's habitual residence that has been prescribed as a country that complies with the United Nations Convention on the Status of Refugees either universally or with respect to the persons of a specified class of persons of which the claimant is a member. In other words, we would comply with the Convention for all people or only for people from country *x* if a certain claimant happens to come from country *x*.

That was the way the clause read in the morning. Then the Government changed its mind and brought in a different clause in the afternoon. Now the Government only wants to comply with Article 33 of the Convention rather than the entire Convention.

This is typical of the way the Government conducted the hearings on this long, complicated and highly controversial Bill. We went through the Bill in about seven days. Over 40 witnesses appeared before the committee and the committee had about two days to handle all the amendments that could be put in that time. Some of the amendments were changed more than once by the Government itself, a Government which has all the resources the public and Opposition would like to have to study this kind of Bill.

There are two major faults with the Government's amendment. The Hon. Parliamentary Secretary tried to suggest that I was favourable to it. He did not actually say that I supported it, but he certainly gave the impression to some that I was favourable to it and I wish to correct that impression.

Even though witnesses and the Opposition asked that the Convention be respected, this amendment does not respect the Convention. First, it leaves out such limited tests as the Government had included in its original draft. One such test is whether or not a person can make a refugee claim in the country to which we send him back. That test is not included in the Bill any longer. The Government can send a claimant back even if it does not think that the person can make a refugee claim there.

Article 33 of the Convention is the article dealing with *non-refoulement* or not returning a refugee to the country from which he is fleeing. However, there is nothing in this clause to say that we must pick a country which complies with the right of a refugee claimant to make a claim. If we ship him back to country *x*, country *x* might say that it does not like the colour of his eyes and it will send him back to his home country without finding out whether or not he is a refugee. Country *x* may feel that if Canada did not want to put the claimant through the refugee claim system, why should it. Canada so far has been a leader; not the Government but the people of Canada got the Nansen Medal last year for good treatment of refugees. If Canada does not want to give this guy a chance to make a claim, why should country *x*? It might ship him back to the country from which he is running without even learning that he is a refugee. It will try to cover its own guilt and our guilt in that way.

The second thing wrong with this amendment is that Canada did not sign just Article 33 of the Convention, it signed the whole Convention and there are a lot of obligations under the Convention. If we send a person to a country that does not honour those other obligations we are abandoning those parts of the Convention.

Article 16, for instance, provides that a refugee shall have free access to the courts of law when in the territory of contracting states. Article 17 provides that a refugee be able to earn wages or be gainfully employed. There are so-called refugees in Germany who are not allowed to earn a living. Germany does not comply with that article of the Convention.

Another article of the Convention indicates that all contracting states shall accord to refugees lawfully staying in their country the same treatment with respect to public relief and assistance as is accorded to their nationals. Many countries who have signed the Convention do not comply with that article. There is a similar article dealing with labour legislation and social security. Canada signed all those articles of the Convention, not just Article 33.