

### Immigration

dom and commonly referred to as the Donoughmore committee. It is a very relevant subject matter which I know a committee of a previous parliament had occasion to deal with when considering the whole subject matter of statutory instruments, a committee chaired by the hon. member for Windsor-Walkerville (Mr. MacGuigan) and which reported two or three years ago.

• (2110)

To refresh the memories of some hon. members on what the Donoughmore committee said, I am going to quote briefly from the section called "Summary of Arguments of the Critics of Delegated Legislation", or law-making by regulation. That committee at page 53 of the report suggested that:

Acts of Parliament may be passed only in skeleton form—

As the 1952 act was.

—and contain only the barest general principles. Other matters of principle, transcending procedure and the details of administration, matters which closely affect the rights and property of the subject, may be left to be worked out in the departments, with the result that laws are promulgated which have not been made by, and get little supervision from parliament. Some of the critics suggest that this practice has so far passed all reasonable limits, as to have assumed the character of a serious invasion of the sphere of Parliament by the executive. The extent of its adoption is, they argue, excessive, and leads not only to widespread suspicion and distrust of the machinery of government, but actually endangers our civic and personal liberties.

I believe those words were relevant in 1932 and they may well contain lessons for those of us wrestling with the problems before us in 1973.

I refer to another comment of the Donoughmore committee. The committee suggested that delegated power may be so loosely defined that the area it is intended to cover cannot be clearly known and uncertainty of this kind is unfair to those affected.

Again, Mr. Speaker, I suggest that is a relevant commentary on the immigration laws and form of regulations that we have had in this country. As proof of the pudding let me refer to the rather landmark regulations that were introduced by a former minister of manpower and immigration in 1967 and outline to the House the broad and expansive scope of those regulations which, in my opinion, should have been introduced in the form of legislation—legislation which was consistent and which contained clearly defined and enunciated principles for members of the committee and members of the House to follow.

I am going to refer to a release from the office of Manpower and Immigration in 1967 which purported to explain those regulations to members of the House and members of the public. But before I get into the particular problem of what the minister thought he was doing by introducing those regulations, I should add that Parliament passed companion legislation called the Immigration Appeal Board Act. That was the first Immigration Appeal Board, set up in 1967, which in my view negated any argument that it was impossible to monitor the conduct of Parliament even to introduce such regulations.

First, in 1967 the minister purported to suggest that by regulation—not by law but by regulation—he would set up an assessment system to permit immigration officers to apply the same standards to potential immigrants from all

[Mr. Atkey.]

areas of the world. A pretty significant statement and a pretty significant enactment, but done by way of regulation!

Second, the 1967 regulations formula confirmed that Canadian citizens or permanent residents of Canada were entitled to bring their dependants to Canada. Again, an important matter of principle contained in regulations.

Third, in 1967 the regulations established that the privilege given citizens or permanent residents to apply for other more distant relatives to come to Canada was to be extended to all areas of the world, and new classes of relatives were to become eligible for this assistance. Again, an all-embracing matter of principle incorporated into law without the benefit of parliamentary scrutiny.

Finally, there was the linking of the selection standards to conditions within Canada to ensure that a flow of immigrants was made possible and was more closely related to the economic requirements of Canada. Very sweeping and significant measures, Mr. Speaker, not adopted by law but by regulation.

Well, Mr. Speaker, we find the government today, in 1973, the victim of its own law-making processes which have been perpetuated now for 24 years. I think it is high time we had a change in thinking as to the way in which our immigration law is to be made. I am not too sanguine that we are going to have a change in thinking, however.

I was impressed by a comment made by the former minister of manpower and immigration, now the hon. member for Verdun (Mr. Mackasey), when he was speaking in this House on Bill C-197 and commenting on his experience as a former minister. If I may quote him to hon. members, on June 22, 1973, as reported at page 5034 of *Hansard*, the hon. member said:

I want to speak really of my own experience in a non-partisan way, provided the opposition will let me do that.

Well, we will let him, Mr. Speaker.

I hope what I say will be considered constructive criticism relating to a very important department of government. When I assumed the role of minister of immigration I also assumed an archaic, outmoded law which had been adopted in the year 1952. It was hardly a set of rules that was suitable to meet the challenge of a contemporary society.

What an admission, Mr. Speaker.

So, consequently, as some of the lawyers in this House know ... many of the practices of the past three years have been based on regulations rather than on any concrete, specific provision within the law of 1952.

And then here is the great statement of prophecy of the hon. member for Verdun. I am sorry he is not here tonight. He said:

Regulations do have a tendency to run well beyond the intent of the law.

It is almost as if he had read the judgment of the Immigration Appeal Board that night and was sorry for what had happened. But what a statement of prophecy, Mr. Speaker. I was also impressed—and I say this as a credit to the present minister—when in committee he indicated that perhaps we may have some change in direction in law making on the part of the government in this field. He did say he was not going to make the usual sort of statement that about eight ministers had made before