

Immigration Act, 1976

international development in order to come to grips with the whole question of refugees, not just bring in a Draconian piece of legislation.

In summary I want to say that when I look at the piece of legislation I see a Government which is playing politics with the refugee determination process. It is trying to play the tough guy. It is trying to be John Wayne and hopes to have the same popularity as the movie star had. What we need is real political leadership, not playing at politics.

I have indicated that there are real alternatives. Rabbi Plaut studied the question in depth and found ways, as did the parliamentary committee, to combine our concern and respect for human rights with our interest and respect for Canadian public opinion when it comes to demand for fairness in the process of entry into the country.

● (1750)

It is time for the Government to turn around, withdraw the legislation and accept the challenge of providing real political leadership in Canada rather than simply playing to the nearest camera.

Mr. Marchi: Mr. Speaker, I listened with great interest to the remarks of the Hon. Member for Winnipeg North Centre (Mr. Keeper). I congratulate him on articulating a number of different fronts which I believe his Party and members of our caucus have come to maintain. I think within the Member's remarks he hit the nail on the emotional head. One of the most offensive parts of Bill C-84 is the provision that now creates a new offence for those who aid and abet and genuinely assist refugees coming into Canada, namely, the churches, the many volunteer organizations, the immigration assistance and relief agencies, your average Canadian, and those who have been engaged, not in this past summer but for years, in trying to enhance the plight facing so many people. That perhaps typifies what is wrong with this legislation. That one clause says it all.

If you were to canvass Members of this House, including government Members, and you asked them whether they actually agreed and applauded the creation of this new offence, I am not sure that you would get an honest response. If this law is brought against a priest, he could face a fine or a prison sentence for having helped a refugee from Guatemala who may not have had the proper document upon entering the country. But the Government has said, "Do not worry. We are not going to charge a priest. We will not put in prison a priest who may have helped a refugee".

You simply cannot go on what the Government's intentions are or what the Minister of the day believes he will do. We must be guided and concerned with what is available under the law. If the Minister, as he has done, suggested to Canadians that he will not prosecute a priest, a nun or a layman who assists a refugee, then our question has been consistently, why create legislation and a law if you do not want to execute that law at some point?

Based on that comment, I would like the thoughts of the Hon. Member concerning the creation of that new offence. Will he also comment on the Government's suggestion that it will not bring the penalty into force, in certain circumstances?

Mr. Keeper: Mr. Speaker, I must say the question is very topical. We have had discussion in this House about the danger of people breaking a law and then not being charged, this whole business about creating a new offence and then the Minister saying, "I won't charge you because you are a good person. It is not you whom I intend to charge". That is a dangerous step to take. We want the law to be respected. We must draft good laws. If we draft crude laws and have to be very delicate in the way they are applied, then we are going down a very shaky road. The Government has already started down that road. The legislation before us today is legislation that many groups in Canada and many legal scholars have said with good reason that it would not stand up to the Charter of Rights. Clearly what we want is a Government that will draft good legislation, that will create good laws and that will live by laws. The first law is the most fundamental of all, namely, the Charter of Rights and Freedoms.

When a broad section of legal opinions says to the Government that the legislation it has drafted will breach the Charter of Rights, the Government ought to go back to the drawing board and find a way to draft legislation that will respect the Charter of Rights and Freedoms. We have seen the red light that tells us, "Don't race through here because if you do you are liable to have a terrible accident and lives may be lost". Clearly the Government is making a significant mistake in creating this new offence. People will be put in jeopardy. Church members working with refugees, particularly those who are these days working with people from Latin America, should not run the risk of facing new penalties with the simple assurance that the Minister does not intend to prosecute them.

Clearly it is not adequate to put a very heavy law on the books and then for the Minister to say, "I don't mean to apply it to members of churches who are doing humanitarian work. I just want to apply it against the bad guys". The Minister must draft legislation that will protect human rights and will not put people who work with the churches at risk. Legislation must not put at risk Canada's reputation as a country which allows sanctuary for those who are genuinely fleeing dictatorial regimes whose own lives are at stake.

The answer to my colleague is simply that the Government is making a fundamental mistake. We hope that if this debate continues long enough perhaps the Government will wake up. We know that there are noises being made by the right-wing back-benchers of the Tory caucus. Perhaps the humanitarians on the back-bench will rise up in anger and tell the Prime Minister to wake up and tell the Minister of Immigration (Mr. Bouchard) to back off and bring forward good legislation.

Mr. Deputy Speaker: There are only 30 seconds left. Shall we call it six o'clock?