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Second Session—Twenty-seventh Parliament

1967

THE SENATE OF CANADA

PROCEEDINGS OF THE STANDING COMMITTEE ON

Immigration and Labour

The Honourable Earl Urquhart, *Chairman*

No. 1

Complete Proceedings on Bill C-150,

intituled: "An Act to establish a Canada Manpower and
Immigration Council".

THURSDAY, DECEMBER 7th, 1967

WITNESSES:

*Department of Manpower and Immigration: W. R. Dymond, Assistant
Deputy Minister and T. J. Keohane, Executive Assistant, Program
Development Service.*

REPORT OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

THE STANDING COMMITTEE

ON

IMMIGRATION AND LABOUR

The Honourable Earl Urquhart, *Chairman*

The Honourable Senators:

Argue,	Hastings,
Beaubien (<i>Provencher</i>),	Lefrançois,
Bélisle,	Macdonald (<i>Cape Breton</i>),
Boucher,	McElman,
Burchill,	Monette,
Cameron,	Paterson,
Cook,	Pearson,
Croll,	Prowse,
Davey,	Rattenbury,
Fergusson,	Roebuck,
Fournier (<i>De Lanaudière</i>),	Urquhart,
Fournier (<i>Madawaska-Restigouche</i>),	Vaillancourt,
Gershaw,	White,
Gladstone,	Willis,
Grosart,	Yuzyk—(30).

Ex officio members: Connolly (*Ottawa West*) and Flynn.

(Quorum 7)

Complete Proceedings on Bill C-150,
intituled: "An Act to establish a Canada Manpower and
Immigration Council."

THURSDAY, DECEMBER 7th, 1967

WITNESSES:

Department of Manpower and Immigration: W. R. Dymond, Assistant
Deputy Minister and T. J. Keohane, Executive Assistant, Program
Development Service.

REPORT OF THE COMMITTEE

HOGER DONAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

MINUTES
ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Tuesday, December 5, 1967:

"Pursuant to the Order of the Day, the Senate resumed the debate on the motion of the Honourable Senator Hastings, seconded by the Honourable Senator Prowse, for second reading of the Bill C-150, intituled: "An Act to establish a Canada Manpower Immigration Council".

After debate, and—

The question being put on the motion, it was—
Resolved in the affirmative."

The Bill was then read the second time.

The Honourable Senator Hastings moved, seconded by the Honourable Senator Prowse, that the Bill be referred to the Standing Committee on Immigration and Labour.

The question being put on the motion, it was—
Resolved in the affirmative."

J. F. MACNEILL,
Clerk of the Senate.

Bill C-150, "An Act to establish a Canada Manpower and Immigration Council", was read and considered.

The following witnesses were heard
DEPARTMENT OF MANPOWER AND IMMIGRATION: W. S. Diamond, Assistant Deputy Minister and T. J. Mathews, Executive Assistant, Program Development Service.

On motion of the Honourable Croft it was Resolved to report the said Bill without amendment.

At 11.45 a.m. the Committee adjourned to the call of the Chairman.
Attest.
Patrick J. Savoy,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, December 7, 1967.

(1)

Pursuant to adjournment and notice the Standing Committee on Immigration and Labour met this day at 10.30 a.m.

On motion of the Honourable Senator Hastings, the Honourable Senator Urquhart was elected Chairman.

Present: The Honourable Senators Urquhart (*Chairman*), Burchill, Cameron, Croll, Fergusson, Fournier (*Madawaska-Restigouche*), Grosart, Hastings, Lefrançois, MacDonald (*Cape Breton*), McElman, Pearson, Rattenbury, Roebuck and Yuzyk—15.

Present but not of the Committee: The Honourable Senators McDonald, Pouliot and Smith (*Queens-Shelburne*)—3.

In attendance: E. Russell Hopkins, Law Clerk and Parliamentary Counsel.

On motion of the Honourable Senator Roebuck it was *Resolved* to report, recommending that authority be granted for the printing of 800 copies in English and 300 copies in French of the Proceedings of the Committee on Bill C-150.

Bill C-150, "An Act to establish a Canada Manpower and Immigration Council", was read and considered.

The following witnesses were heard:

DEPARTMENT OF MANPOWER AND IMMIGRATION: W. R. Dymond, Assistant Deputy Minister and T. J. Keohane, Executive Assistant, Program Development Service.

On motion of the Honourable Croll it was *Resolved* to report the said Bill without amendment.

At 11.45 a.m. the Committee adjourned to the call of the Chairman.

Attest.

Patrick J. Savoie,
Clerk of the Committee.

REPORT OF THE COMMITTEE

THURSDAY, December 7th, 1967.

The Standing Committee on Immigration and Labour to which was referred the Bill C-150, intituled: "An Act to establish a Canada Manpower and Immigration Council", has in obedience to the order of reference of December 5th, 1967, examined the said Bill and now reports the same without amendment.

Your Committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said Bill.

All which is respectfully submitted.

EARL URQUHART,
Chairman.

THE SENATE
STANDING COMMITTEE ON IMMIGRATION AND LABOUR
EVIDENCE

Ottawa, Thursday, December 7, 1967.

The Standing Committee on Immigration and Labour, to which was referred Bill C-150, an Act to establish a Canada Manpower and Immigration Council, met this day at 10.30 a.m. to give consideration to the bill.

The Clerk of the Committee: May I have a motion for the election of a chairman?

Senator Hastings: I would like to nominate Senator Urquhart as chairman of this committee.

Hon. Senators: Agreed.

(Senator Urquhart took the Chair.)

The Chairman: Honourable senators, I should like first of all to thank you very much for nominating and approving me as chairman of this committee. It is something I did not expect. I certainly feel that Senator Croll would have been more competent to enter into this, and I would gladly have deferred to him had he not deferred to me. I assure you that I will do the best I can as chairman. I know I can count on the support of all honourable senators in assisting me in the deliberations of this committee.

Senator Roebuck: May I say this, that for four or five years I have protested publicly against the inactivity of this committee, and I blamed largely the chairman. Now I am glad to have a chairman in whom I have every confidence.

The Chairman: I will endeavour to live up to your expectations.

The bill we have before us is Bill C-150.

The committee agreed that a verbatim report be made of the committee's proceedings on the bill.

The committee agreed to report recommending authority be granted for the printing of 800 copies in English and 300

copies in French of the committee's proceedings on the bill.

Senator Roebuck: How many copies?

The Chairman: Eight hundred copies in English and 300 copies in French.

Senator Roebuck: Will we need that many?

The Chairman: That is the number normally printed for each standing committee.

Honourable senators, we have two witnesses today. There is Mr. W. R. Dymond, Assistant Deputy Minister of Manpower and Immigration, who is in charge of the program Development Service. With him is Mr. T. J. Keohane, Executive Assistant to Mr. Dymond. Both of these gentlemen will be glad to assist us in consideration of the bill clause by clause. Also present is Senator Hastings, who sponsored this bill in the Senate and who will be available to assist us in our study of the bill.

Senator Grosart: Might I ask if the minister was asked to be present?

The Chairman: Apparently, Senator Grosart, the minister was not asked to be present here this morning. The two gentlemen to whom I have referred have been sent by the Department of Manpower and Immigration to assist us in the discussion of the bill. This committee, as you know, was without a chairman until a few moments ago.

Senator Grosart: I am aware of that fact, but in my remarks on this bill in the House I raised a policy point. I said specifically at that time that I hoped the minister might be persuaded to change his mind in this committee. That remark was made in the Senate, and in the normal course of events such a comment is communicated to a minister and he would be requested to be here. It is not a matter which I can fairly discuss with officials of the department since it is a policy matter.

The Chairman: Which clause do you refer to, Senator Grosart?

Senator Grosart: My suggestion was that the council to be set up under the act would report to Parliament and not to the minister. I am prepared to stick to that because I think it is a very important point.

Senator Roebuck: I would like to hear the officials as to the need for this council. We got along without it for a long time, and while I am not very well informed on the present situation, it does seem to me that it is merely a case of shifting responsibility from the minister to irresponsible people. I would like a statement from the deputy minister as to why we need this thing at all.

The Chairman: Do honourable senators wish to deal with the bill clause by clause, and as we come to each clause we can deal with these issues, or would you rather have an opening statement from the deputy minister?

Senator Roebuck: The deputy minister should be asked to make a statement in a general way as to why this bill is here and what it requires.

The Chairman: I am sure Mr. Dymond will be glad to deal with that for you, Senator Roebuck.

Mr. W. R. Dymond, Assistant Deputy Minister, Department of Manpower and Immigration, Program Development Service: Yes, Mr. Chairman. You will recall, honourable senators, that the Department of Manpower and Immigration was formed from elements of the Department of Labour and the Department of Citizenship and Immigration. This led to carrying into the new department certain advisory machinery that had formerly advised the Minister of Labour with respect to certain of his responsibilities that were also carried into the new Department of Manpower and Immigration. Specifically there was a National Employment Committee which was set up under a portion of the Unemployment Insurance Act, and by regulations.

Senator Pearson: Where did the national committee come from? Who were the members?

Mr. Dymond: Of the National Employment Committee, which is a committee that has

representation from a number of major organizations in this country. It has a chairman and 15 members, and it has representation from the following organizations: Canadian Manufacturers' Association; Canadian Chamber of Commerce; Canadian Construction Association; Retail Council of Canada; Canadian Labour Congress; Confederation of National Trade Unions; International Railway Brotherhoods; National Council of Women of Canada; Royal Canadian Legion; Canadian Welfare Council; Canadian Federation of Agriculture, and the Canadian Education Association.

Senator Hastings: The Canadian Federation of Business and Professional Women's Clubs.

Mr. Dymond: My text has been clipped. Yes, the Canadian Federation of Business and Professional Women.

Senator Fournier (Madawaska-Restigouche): How often did these people meet?

Mr. Dymond: Four times a year.

Senator Fournier (Madawaska-Restigouche): Four times a year, regularly?

Mr. Dymond: Yes, regularly. In fact, they are meeting right now, at their 100th meeting, which will be their last, because this legislation will amend the Unemployment Insurance Act under which that committee is set up.

Senator Fournier (Madawaska-Restigouche): How long will the committee meeting last?

Mr. Dymond: About two days, generally speaking.

Senator Roebuck: What do they accomplish?

Mr. Dymond: That is a hard judgment to make, actually.

Senator Roebuck: That is a dirty word.

The Chairman: They likely publish a report, do they?

Mr. Dymond: On occasion their reports have been published. They have certainly made a contribution in terms of providing, over the years, I think, advice to the Employment Service with respect to the policies of the service and, in some instances, with respect to significant Government programs.

Just to recall one instance, some years ago I was personally involved in advising the committee quite a bit. They really helped substantially to evolve the Government seasonal employment stabilization program about 10 years ago. That was a substantial accomplishment. They have advised the commission on the organization of the service and on some of its policies.

The main role of the committee has been to provide to the minister, and to the old National Employment Service, a feeling from these important elements of the community about their program, policies, organization, and what the public's view on it is.

Senator Roebuck: I suppose territorial employment and how labour could be switched from place to place?

Mr. Dymond: To some extent. They express pretty vigorous views sometimes on problems the Employment Service should be dealing with that relate to unemployment. They have got into the field of training. They have ranged historically pretty wide in their interests.

Senator Fergusson: Do they not also do a certain amount of interpretation to the public of what the department is doing? Maybe this is not their responsibility, but I have heard them giving talks to make the public more aware of the department's work.

Mr. Dymond: I think that is right. Many of these members of the National Employment Committee, for example, are prominent people in the organizations I have mentioned.

Senator Roebuck: Largely employers.

Mr. Dymond: Business is represented in our discussions with these organizations.

Senator Fergusson: I understand it is part of the policy.

Mr. Dymond: Yes, we certainly hope this is one of the roles that that particular committee has played in the past.

Senator Pearson: That is so in the past, but under this bill you propose to form a Manpower and Immigration Council. You have now established across Canada a great many Manpower centres. My understanding is that these centres possibly make reports back to the department periodically. You are more in

touch now with the situation across Canada than you were at the time this other committee was in vogue. As far as I can see there is no reason for having this council now, because you can get all that information, as you did before.

Mr. Dymond: I think I could make two points. While the organization of the Employment Service across the country is expanding a bit in terms of numbers of offices, it is not expanding appreciably. In other words, while there is some expansion in the number of offices, the number of local centres, it does not represent a marked change. The old Employment Service had about 200 local offices and a regional organization. The kinds of reports the department gets from our local offices and regional organization are certainly very extensive, in terms of statistical detail about the state of employment, unemployment, labour demands, the operation and administration of our programs, and the effect we are having.

I think what the council, the boards and regional and local committees give you that you cannot get from the administrators in the local offices, is a public view or a judgment of the effect of your programs, or on the character of the problems you are dealing with. It is another set of judgments, attitudes, views and opinions that we think are important to have in the making of a more efficient and effective manpower and immigration policy. After all, public servants do have certain limitations of viewpoint, given the very nature of their jobs and their responsibilities, and we think it is important to have the views of the people who are out in the community and are seeing the problems from their vantage point and, if you like, in a sense, sometimes a disinterested view. Sometimes it is a very interested view, if it is on the part of the employer or a union, but some organizations and people have disinterested views, but views about which all I can say is that they are another kind of view that you cannot possibly get from the administration.

Senator Grosart: How many local committees do you have, and how many meetings have they held during the last calendar year—that is, committees under the National Employment Service?

Mr. Dymond: I think we have a note on that somewhere.

Senator Grosart: I ask this question because it is the intention, under this act, as I understand it, to set up similar committees.

Mr. Dymond: There are at present four regional committees in each region, with the exception of the Pacific region. They have a total membership of 56: Atlantic 13, Quebec 14, Ontario 12, the Prairies 17. The total number of local committees at the present time is 55 and, counting the chairman and members of the local committees, there are 603 members for those 55 committees.

Senator Pearson: These are all employees of the department?

Mr. Dymond: No, these are all non-employees; members of the public.

Senator Grosart: Is their time given on a voluntary basis?

Mr. Dymond: Yes, that is correct. It is strictly voluntary on their part. How many meetings they have, I just really could not answer that question.

Senator Grosart: In a general way, how often?

Mr. Dymond: In a general way, I think, being a voluntary effort, it varies considerably from community to community, and the interest, and so on. I would hazard as a guess, two or three a year.

Senator Rattenbury: Is that at the request of the local manpower official or chairman?

Mr. Dymond: Each has a chairman. I would assume the manager of our local office and the chairman would consult in terms of when they might hold meetings. Under this legislation, the intention of the regional and local committees is really to advise the administration at the regional and local levels with respect to their problems. There is no intention of using the local committees and the regional committees to advise the minister; but their advice is at the regional and local levels, to the administration and the officers at the local level; and, as you can see, at the present time there are a good many fewer local committees than we have offices. We have about 250 local offices; there are some 55 local committees. I think, in general, they are in the larger centres.

Senator Roebuck: Do I understand now that the council being set up under this act is to take the place of the previous one?

Mr. Dymond: No. To go on with respect to your first question, senator. In the Department of Labour there is a national Employment Committee, the one we have been discussing. There was the Technical and Vocational Training Advisory Council that advised the Minister of Labour with respect to the administration and implementation of the technical and vocational training agreements. And there was the Vocational Rehabilitation Council who advised the minister on the vocational rehabilitation program. And you have a reflection, I think, in a sense, of those three committees and councils in the new legislation.

Senator Roebuck: Those three go out now, and the council takes their place?

Mr. Dymond: Yes, this legislation amends other legislation and regulations. They go out, and in their place this machinery comes into being, with two additions.

Senator Roebuck: What duties will this council have with regard to immigration? So far you have been telling us only about labour.

Mr. Dymond: The terms of reference of the council as a whole equate with the responsibility of the minister for both manpower and immigration. So, it will concern itself with immigration as well as domestic manpower matters. Then, under the legislation, there is a board that is concerned with immigrant adjustment; that is, with the processes of the adjustment of the immigrant to the Canadian economy and society, and so on.

Senator Roebuck: What about admissions?

Mr. Dymond: That is not the business of the Immigrant Adjustment Board, but it can very well be the business of the council to advise the minister with respect to that question. As I say, the responsibilities of the council equate with the minister's own responsibilities by the legislation.

Senator Roebuck: What we run into, of course, as members of Parliament, are applications by people for admission to Canada. In the past we have gone to the minister

as a last resort. I personally have been able to get along with the officials, but I am concerned to know whether when I disagree with an official—I use myself as an illustration; I very seldom do disagree—do I go to the minister or to this council?

Mr. Dymond: Oh no, you would go to the minister.

Senator Roebuck: Then would he hide behind the council?

Mr. Dymond: That is a question which I think only the minister could answer. I should say on the subject of admissions that we have the new appeal board procedure which handles many of those questions. That has just been set up, on the legal status, and so on, of people being refused admission, their status in the country. In that sense on many questions that board becomes the last resort rather than the minister.

Senator Roebuck: That is what the minister hides behind you mean?

Mr. Dymond: I would not want to impute any motive at all in that sense.

Senator Hastings: I wonder if we could deal with three councils and committees which we are replacing by this bill. As I understand it we are replacing the National Technical and Vocational Advisory Council.

Mr. Dymond: Right.

Senator Hastings: Twenty-eight members.

Mr. Dymond: That is right.

Senator Hastings: The National Advisory Council on the Rehabilitation of Disabled Persons, 25 members?

Mr. Dymond: One from each province, from other departments or provincial organizations—yes, 25, that is right.

Senator Hastings: The National Employment Committee, 16.

Mr. Dymond: Fifteen and a chairman, yes, 16.

Senator Hastings: That is a total of 69. These were advisory councils in that they advised the minister.

Mr. Dymond: That is correct.

Senator Hastings: They did not report to Parliament.

Mr. Dymond: No, none of them reported to Parliament. They were all to advise the minister with respect to certain aspects of his responsibility.

The Chairman: This bill provides for the same thing?

Senator Hastings: They were established in 1960, or 1961.

Mr. Dymond: The National Advisory Council on Rehabilitation provision was made in the act in 1961. There was an organization, a council, before that program was in the act. I do not know how long, but for some years prior to that.

Senator Hastings: Nevertheless, it was an advisory committee to the minister.

Mr. Dymond: Right.

Senator Hastings: And did not report to Parliament.

Mr. Dymond: No. This particular one was provided for in the act and then set up by the Governor in Council.

Senator Hastings: Under the present act we shall create a council of 16 members?

Mr. Dymond: Right.

Senator Hastings: And four boards of 11 each.

Mr. Dymond: Eleven each, that is right.

Senator Hastings: That is 60.

Mr. Dymond: Right.

Senator Hastings: In effect nine fewer than the existing committees which we shall dispense with.

Mr. Dymond: Yes, that is right. And there are additional responsibilities, I would say. The council will have wider responsibility than the National Employment Committee. The training board is roughly equivalent to the National Technical and Vocational Advisory Council. The Rehabilitation Board is equivalent to the Rehabilitation Council. Then there is a Board of Immigrant Adjustment, which is new, because the old department had no advisory machinery on the whole problem of the adjustment of immigrants. The Research Board is new. In effect, there is a more extensive advisory responsibility with fewer members. I think that is the point you make here.

Senator Hastings: So the effect of the bill is to dispense with three boards and 69 members and replace them with the 16-member council and the board of 60 members with increased responsibilities. In fact, a decrease of nine in the number of people serving?

Mr. Dymond: That is correct.

The Chairman: Of course, they would still report to the minister and not to Parliament.

Senator Hastings: Still reporting to the minister as the three other boards did.

Mr. Dymond: That is right.

Senator Hastings: In other words, it is simply an attempt to, I would say, reorganize, update and co-ordinate the work of the three previous boards, with additional responsibilities?

Mr. Dymond: Yes, with additional responsibilities.

Senator Grosart: With no responsibility whatever. As I understand it, the whole purpose of this act is to give statutory status to the concept that it is possible to separate training and education, which every educationist I have ever talked to says is impossible. I think it is unrealistic to say these people have increased powers. The whole area of responsibility is greatly decreased, as I understand it from the minister's statement and from the bill.

Mr. Dymond: I would not be prepared to comment on whether the new training legislation is more or less narrow in its scope than the old legislation, but certainly the responsibility of the Training Advisory Board equates with the new legislation. My point in saying that there are increased responsibilities really relates to the whole area of immigration, which never had any advisory machinery at all, and which I think is a pretty large extension of responsibility and the research area for the whole field of manpower and immigration. In other words, if the new department has not in a sense necessarily larger responsibility than parts of the old Department of Labour and parts of the old Department of Citizenship and Immigration, at any rate there are new advisory responsibilities created that were not there before, in addition to all the old advisory responsibilities that were there, but in rela-

tion to the legislative responsibilities that have changed to a degree in the interim.

Senator Grosart: Do any or all of these bodies, councils, boards and committees keep minutes?

Mr. Dymond: Oh yes. They all keep minutes of their proceedings. I note, for example, that in the National Employment Committee they are up to Minute 1000 and something.

Senator Grosart: Are the Minutes available to the public?

Mr. Dymond: No. The whole machinery, as I say, is strictly advisory to the minister, so that the minutes of these councils and committees are privileged in the sense of being advice to a minister of the Crown. As I indicated earlier, some of their reports are released to the public from time to time.

Senator Grosart: So the essential difference here between this and the Economic Council is that the advice this council might give to the minister is not known to the public?

Mr. Dymond: That is correct. There is no statutory responsibility to provide reports to Parliament, because this machinery is responsible to the minister, who in turn is responsible to Parliament. I think that is the concept.

Senator Grosart: So to all intents and purposes as far as the public are concerned the proceedings, decisions, advice and the minister's reaction to the advice of the many committees, boards and councils are secret. Is that correct?

Mr. Dymond: I think when you are dealing with 60 members of the public, "secret" is probably too strong a term to use. Certainly I think some of the business, and so on, of the council is bound, and I think quite appropriately, to be discussed in various organizations to which members of the council belong. However, in matters of advice to a minister of the Crown, I think these are privileged documents.

Senator Roebuck: If a question were asked of a minister in the House as to what advice he had received from one of the commissions or the new council, could he say that this was privileged?

Mr. Dymond: I think that would all depend on circumstances. I am not an expert on parliamentary procedure, but I think it would depend on the nature of the document. I think I should stress one point. The minister said during the debate on this legislation in the House of Commons that there would be a complete opportunity for the house to discuss on the minister's Estimates, what these boards and the council were doing, and that he would be prepared to make a complete report on their activities, and to answer questions during the Estimates debate. I think also, of course, that members have the privilege of asking questions about the business of the council.

Senator Roebuck: There is nothing in the act which makes this secret?

Mr. Dymond: No.

Senator Roebuck: What you said was that if the minister felt it wasn't in the public interest to divulge this information he would not do so, but other than that this would not be more secret than any other activity in connection with his department.

Mr. Dymond: No, that is correct. It is in the same category, I think, as any advice going to a minister that originates in a department or within an advisory council that is advising the minister.

Senator Croll: Has it not always been traditional since time immemorial that the minister's advice is for the minister only and is not to be made public? Surely it has always been privileged.

The Chairman: Unless he decides to make it public.

Senator Croll: In that case it comes from him and not from anybody else. Surely all departments operate in the same way. Some advice the minister may use, and other advice he may not use. But surely he has never been asked to divulge what advice he received.

Senator Roebuck: Not from his own officials.

Senator Croll: Or from anybody else. It is a privileged document in that sense. He may relate it, and he may say that he does not wish to do so.

Senator Grosart: On the other side of the story, there are salutary examples of where the advice has come from the public, and the public have been able to judge what the minister has done. This applies to the Bank of Canada and the Economic Council. I suggest that this council, which is a public council of ordinary laymen advising the minister, should not be in the position of giving the minister advice and being told that that advice is privileged and that they cannot complain if the minister does not take it. Why should they not report it?

My suggestion is, and I hope we may adjourn so as to have the minister here, because I have a great regard for the minister, as I said in the House. He is a minister who can take suggestions. I would hope that this very important council dealing with immigration and the manpower policy which are matters of high level policy and which affect every Canadian—that at least this council should make a report to Parliament and let us know what their views are. We should know what is the advice of these prominent people who are brought together in this hierarchical structure and we should know what they are thinking and let the public judge and let Parliament judge whether the minister is taking the advice of that council or whether the minister's rejection is sound or unsound.

The best example I can give of this deals with the fourth report of the Economic Council of Canada, which had a most salutary effect in that the advice given to the Government caused a complete reversal of government policy. I am hoping that that reversal of policy is going to achieve what Mr. Sharp says it will. This, as I say, is a clear example. The chances are that it would not have happened and certainly there would not have been the public pressure to reverse certain policies, and I am not criticizing the policies. Anybody can make mistakes. But here is an example where a council reported to Parliament and in doing so was able to have a very salutary effect on government policy. So I am hopeful that in this very important area of manpower and immigration that that precedent is one that should be followed. I do not see that it would in any way embarrass the minister. I would think that if this suggestion were put to him and he had time to think about it he might come back and say

"Well, I will accept that." I would hope he would. I have dealt with some other ministers past and present about whom I would not be so hopeful, but with the present minister I would be hopeful.

Senator Croll: I have no objection if Senator Grosart wants the minister to be here. I would be delighted if he would come. But I would think the example of the Economic Council is hardly acceptable, because they are asked to report specifically to Parliament and not to the minister.

Senator Grosart: To the Governor in Council. I am suggesting that this should be the same.

Senator Croll: In various acts here—I cannot recall them right now—there are advisers to many departments and to many ministers and it has never been a practice for those bodies to act in the same way as the Economic Council, which has been given a specific task to do certain things. They were given a task in dealing with trademarks, for example, and they were given the task of dealing with the matter of the Combines Act by Parliament, and not by a minister, and they report to Parliament and they are almost a department of government in themselves, except that they make their own report in any way they see fit. But in this instance we have an advisory board. I feel that we are making progress here. It seems to me that in the act the minister is attempting to bring up to date and to bring into line with the act and to bring into being a department which deals with immigrants. This has never before been dealt with in this manner. It deals with the adjustment of immigrants, how they place themselves, their mobility, and where they should go and what should be done with them. He is streamlining the department by getting advisory councils who will advise him from time to time. I thought the act had much to be said in its favour in that he now has various advisory councils and he is, I suppose, in the embarrassing position of having to say "Joe, you won't be reappointed," and he is in a position where he thinks he has to make some changes. Furthermore, he is starting with what is practically a new department and he is merely streamlining the lines of procedure which he has.

But for these people to report directly to Parliament is something entirely new, and

the difficulties I can foresee under those circumstances are tremendous because the quality of the advice that they may give from time to time may be such that he cannot take it. Let us take the example of a council which is pretty heavily employer-minded and it puts through a resolution and throws it into Parliament. Obviously that is not the place for it at all. The place for it is in the department where the minister can study it in the light of his other responsibilities and see what he can do with it. It appears to me that this sort of streamlining is something we ought to be tickled to death to get. On the other hand when you are talking about training and education, this has already been decided by an Act of Parliament in which they have already given the definition as between training and education and whether we like it or not that is the law at the present time.

Senator Grosart: I am not arguing that point. And I think with due respect a good deal of what you have said, Senator Croll, is irrelevant to my particular argument. The fact the minister is streamlining the act, I agree. I agree with the act, in general. I am not objecting to that. And, again, with respect, I think the senator's comments on the operation of the Economic Council were not strictly correct, as to whether or not it was Parliament which referred trademark and copyrights to the Council, and so on, but it was the Government. This is completely incidental to the work of the council. All I am saying is that the Economic Council advises the Government in one very large and important area, and it has been a salutary thing that it makes a report to Parliament.

I am now saying that here is a council which will advise the minister, which is the Government—which will advise the Government in an equally important area, and I happen to believe that the employment of people in this country is just as important as the employment of money. I say that in this very important area the precedent of the Economic Council is one that should be followed, and I will not argue it any further. I leave it at that.

Senator Roebuck: Supposing we carried it a little further, and the deputy minister also reported to Parliament his advice to the minister?

Senator Grosart: I am not suggesting this at all. I am not suggesting that every advisory committee should. I am speaking to this one particular bill, and this one particular council.

The Chairman: Would it not set a precedent if this council was to report to Parliament, and would not every other council set up by Parliament be entitled to the same privilege of reporting to Parliament and not to the minister?

Senator Grosart: With respect, I do not follow the argument.

The Chairman: Perhaps you do not want to follow it.

Senator Grosart: I do not think that setting one precedent in one particular area, on the basis of a certain set of arguments, means that it is a precedent that has to be followed in every case. I am arguing that this particular council should report to Parliament. I am not saying that every council should. If it sets a precedent, that would not break my heart either. I think we need a few more precedents in our thinking all the way down the line.

Senator Roebuck: I am with you there, senator. I am a buster of precedents too.

Senator Grosart: We had a good example of one set by the Senate committee in Senator Hayden's report, and this is an excellent precedent to follow.

Senator Yuzyk: Might I ask a question about the co-operation of provincial departments and the federal department in regard to advise and views, regarding policy, immigration policy, manpower policy, labour policy and the like? Has the federal Government or the federal department established any communication with the provincial governments, to seek their advice on policy matters?

Mr. Dymond: Well, I think I should say we have regional administration of both the domestic manpower programs and the immigration responsibility in Canada. I know there is a great deal of discussion between our regional directors in both manpower and immigration with the provincial government officials, at a variety of levels, of our programs, and particularly those elements of

them that affect the interests of the provinces.

In the training area, particularly, of course, what we are doing has a very great impact on the provincial educational and training programs and institutions. In addition to that, under the legislation for the occupational training of adults, section 13 of that legislation provides for a joint committee between our officials and the provincial governments in each province, to deal with the administration of that legislation.

In addition to that, the minister established, growing out of a meeting last summer with provincial ministers of education, a committee chaired by the deputy minister of the department and to which the deputy ministers of Education and Labour came particularly to discuss the development and administration of our occupational adult training programs.

In the immigration area there is a lot of discussion from time to time, of a very informal character with the provinces, which are naturally interested in the role immigration plays in their economic and social development.

Senator Yuzyk: How about their formal character?

Mr. Dymond: Not in the immigration field, as such, but in these other fields I have just mentioned, certainly there are.

Senator Roebuck: I am satisfied, Mr. Chairman, in dealing with this matter generally. Are we not now in a position to take up the bill clause by clause?

Senator Croll: There is just one thing troubling me. There is no reflection on you at all, but Senator Grosart raised the point that we wanted to discuss some matters pertaining to policy. We have some decided views on it. Would it not be fair to one of our own members to ask the minister to come before the committee? As far as the bill is concerned there is no objection to it, but Senator Grosart has raised a question that is not in Mr. Dymond's purview. Should we not do this as a matter of courtesy to one of our own members?

The Chairman: Since Senator Croll and Senator Grosart raised the point we have contacted the minister's office. The minister is

out of town and will get back late today. If you want to have the minister here the best we could do is to adjourn until 9.30 tomorrow morning and hope that the minister will be able to attend.

Senator Grosart: May I just say this? We can pass the bill. There is no objection to the bill.

Senator Pearson: Pardon me, I have an objection. I want to know why we have to have this council.

Senator Croll: That is all right, but I am assuming that most of us are in favour of the council. Senator Grosart raised an entirely different point which has nothing to do with the bill in its present form. He raised the question of policy.

Senator Pearson: Exactly.

Senator Croll: That has nothing to do with the bill.

The Chairman: Surely it will have to be put into the bill whether the committee would report to Parliament. There would have to be an amendment to the bill if the policy is to be changed to have the committee report directly to Parliament.

Senator Croll: If it is a matter of policy the bill does not stand up at all. That is what Senator Grosart said. On the other hand, it seems to me, though everybody does not agree, that the bill in its present form is not objectionable. On the question of policy, however, it is another matter and Senator Grosart wants to ask the minister a question on policy, not the bill.

The Chairman: Senator Grosart, did you have in mind an amendment to the bill which would permit the council to report to Parliament rather than the minister? Is that what you had in mind?

Senator Grosart: Yes.

The Chairman: That is what I thought.

Senator Grosart: I had not an amendment drafted. As is usual in our committees, I was hoping the minister might accept the suggestion and then in the normal way the officials would draft an amendment. I know the minister is busy.

The Chairman: Well, he is out of town, but he would be here tomorrow.

Senator Grosart: I should like to make one further comment. I am prepared to leave this matter for the minister's consideration. It can be done later by amendment. My comment is this. We are dealing with immigration as well as manpower, and there is no area of Canadian Government policy that has been more clouded in secrecy and—and I use the word advisedly—deception than our immigration policy. Having said that I will say that the present minister has done more in a few months than has been done in years to create an immigration policy for Canada in which an average Canadian can take some pride. There are still in the Immigration Act clear discriminatory clauses, as clear as discrimination can be. The minister has said that these will not be enforced by regulation, that we will ameliorate their effects, but it is most important in this area of immigration as well as manpower that the public of Canada know what these 16 responsible Canadians think about our immigration policy and its relation to manpower.

We have never had this. We have had an Immigration Appeal Board. As Senator Roebuck has suggested, most of us who tried to help individuals, as is our duty in this matter, suspected that there was always somebody hiding behind somebody else—I do not blame any official—having in mind the Act, which I have had to defend in Africa and in the Caribbean, and I was never happy doing it.

I suggest we leave it. Perhaps the officials will carry it back to the minister, that this is one other reason why it would be in the interests of the department, in the interests of Canada and in the interests of the public if this council were to make a report.

I will leave it at that, and rather than call the minister here I will continue to be hopeful.

Senator Roebuck: I do not see any objection to calling the minister. I am with Senator Croll in that.

Senator Croll: Wait, wait now, you said "Senator Croll". No, no, I did not want the minister here. That was not the point I made. The point I made was that a member of this committee, who raised the point, had the

right. And he had the courtesy, also in that sense, because he wants to raise a question of policy, and these men could not be in the position to be of assistance.

I do not want the minister here. I know what this bill is about and I have read in *Hansard* the debates which took place in the House of Commons when this bill was discussed there. I read what was said. Senator Grossart raised an entirely different point. As a matter of courtesy to a member, if anyone else had raised that point, I would have said that he had the right to have the minister here. But I do not want the minister here. I am prepared to deal with this bill as it is. I think Senator Grosart is quite right. He has said what he had to say, and the deputy minister here will carry it back to the minister and indicate that a member of the com-

mittee raised a point which ought to be considered. That is as far as we need go. Let us leave it at that.

The Chairman: Senator Grosart was happy with that proposition. Shall we pass the bill as it is or shall we discuss it clause by clause? What is the wish of the committee?

Senator Croll: We have had the bill and have seen it. I move that it be adopted.

The Chairman: Shall I report the bill without amendment?

Hon. Senators: Agreed.

The Chairman: Adopté, carried.

Whereupon the committee adjourned.

...the release of a bill which ought to be con- sidered. I am as far as I can see, leaving it at that.

The Chairman: Senator Grosart was happy with that proposition. Shall we pass the bill as it is or shall we discuss it clause by clause? What are the wishes of the committee?

Senator Croft: We have had the bill and have seen it. I move that it be adopted.

The Chairman: Shall I report the bill with- out amendment?

Hon. Senators: Agreed.

The Chairman: A vote, carried. Whereupon the committee adjourned.

Senator Croft: That is all.

The Chairman: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

Senator Croft: If it is not a bill does not stand up as a bill. Senator Grosart said that he means to see to it that the bill is amended throughout in order to be amended. On the other hand, however, it is another section of Grosart wants to see that the bill is amended on policy, not the bill.

The Chairman: Senator Grosart, do you have in mind an amendment to be made in the bill which would permit the bill to be amended in Parliament rather than in the committee? What was your mind?

Senator Grosart: Yes.

The Chairman: That is all.

Senator Grosart: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

The Chairman: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

Senator Grosart: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

right. And he had the committee, also in that sense because he wants to raise a question of policy, and these men could not be in the position of assistance.

Senator Croft: I know what the minister has in mind. I have read in the House of Commons when the bill was discussed there. I read what was said by Senator Grosart. He said that he would have said that he had the right to have the minister here. But I do not want the minister here. I am prepared to deal with the bill as it is. I think Senator Grosart is quite right. He has said what he had to say and he has finished here. I will carry it back to the minister and indicate that a member of the committee has said that.

Senator Croft: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

The Chairman: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

Senator Grosart: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

The Chairman: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.

Senator Grosart: I have a few things to put into the bill which I would report to Parliament to be amended in order to be changed in order to report directly to Parliament.



Second Session—Twenty-seventh Parliament
1967-68

THE SENATE OF CANADA

PROCEEDINGS
OF THE
STANDING COMMITTEE
ON

Immigration and Labour

The Honourable KARE W. URQUHART, *Chairman*

No. 2

Complete Proceedings on Bill C-30,

intituled:

"An Act to amend the Immigration Act"

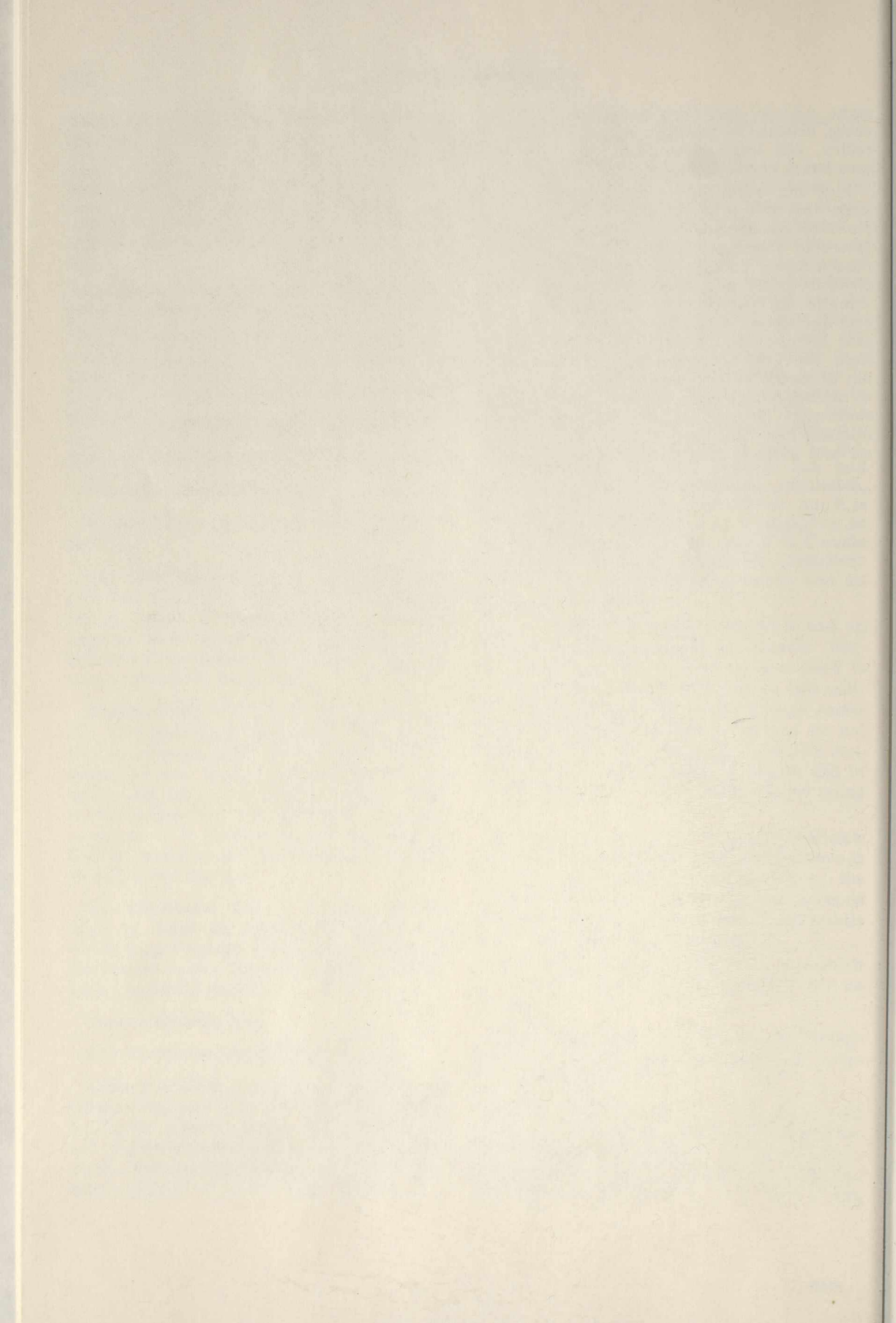
TUESDAY, MARCH 26th, 1968

WITNESS:

*Department of Manpower and Immigration: J. C. Morrison,
Director-General of Operations*

REPORTS OF THE COMMITTEE

ROGER DURAND, P.R.A.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968





Second Session—Twenty-seventh Parliament
1967-68

THE SENATE OF CANADA

PROCEEDINGS

OF THE
STANDING COMMITTEE

ON

Immigration and Labour

The Honourable EARL W. URQUHART, *Chairman*

No. 2

Complete Proceedings on Bill C-30,

intituled:

“An Act to amend the Immigration Act”.

TUESDAY, MARCH 26th, 1968

WITNESS:

Department of Manpower and Immigration: J. C. Morrison,
Director-General of Operations.

REPORTS OF THE COMMITTEE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968



Second Session—Twenty-seventh Parliament
1957-58

THE SENATE OF CANADA

PROCEEDINGS

THE STANDING COMMITTEE
ON
IMMIGRATION AND LABOUR

The Honourable Earl W. Urquhart, *Chairman*

The Honourable Senators:

- | | |
|--|-----------------------------------|
| Argue, | Hastings, |
| Beaubien (<i>Provencher</i>), | Lefrançois, |
| Bélisle, | Macdonald (<i>Cape Breton</i>), |
| Boucher, | McElman, |
| Burchill, | Monette, |
| Cameron, | Paterson, |
| Cook, | Pearson, |
| Croll, | Prowse, |
| Davey, | Rattenbury, |
| Fergusson, | Roebuck, |
| Fournier (<i>de Lanaudière</i>), | Urquhart, |
| Fournier (<i>Madawaska-Restigouche</i>), | Vaillancourt, |
| Gershaw, | White, |
| Gladstone, | Willis, |
| Grosart, | Yuzyk—(30). |

Ex officio members: Connolly (*Ottawa West*) and Flynn.

(Quorum 7).

WITNESS:

Department of Manpower and Immigration: J. C. Morrison,
Director-General of Operations.

REPORTS OF THE COMMITTEE

MINUTES OF PROCEEDINGS
ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Tuesday, March 26th, 1968:

"A Message was brought from the House of Commons by their Clerk with a Bill C-30, intituled: "An Act to amend the Immigration Act", to which they desire the concurrence of the Senate.

The Bill was read the first time.

With leave of the Senate,

The Honourable Senator Benidickson, P.C., moved, seconded by the Honourable Senator Lamontagne, P.C., that the Bill be read the second time now.

After debate, and—

The question being put on the motion, it was—
Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Benidickson, P.C., moved, seconded by the Honourable Senator Lamontagne, P.C., that the Bill be referred to the Standing Committee on Immigration and Labour.

The question being put on the motion, it was—
Resolved in the affirmative."

ROBERT FORTIER
Clerk of the Senate.

ATTEST:

Frank A. Jackson,
Clerk of the Committee.

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Tuesday, March 28th, 1968:

"A Message was brought from the House of Commons by their Clerk with a Bill C-26 entitled: 'An Act to amend the Immigration Act,' to which they desire the concurrence of the Senate.

The Bill was read the first time.

With leave of the Senate, The Honourable Senator Davidson, P.C., moved, seconded by the Honourable Senator Jamieson, P.C., that the Bill be read the second time now.

After debate had—
The question being put on the motion, it was—
Resolved in the affirmative.

The Bill was then read the second time.
The Honourable Senator Davidson, P.C., moved, seconded by the Honourable Senator Jamieson, P.C., that the Bill be referred to the Standing Committee on Immigration and Labour.

The question being put on the motion, it was—
Resolved in the affirmative.

ROBERT FORTNER
Clerk of the Senate

MINUTES OF PROCEEDINGS

TUESDAY, March 26th, 1968.

(2)

Pursuant to adjournment and notice the Standing Committee on Immigration and Labour met this day at 2.30 p.m.

Present: The Honourable Senators Urquhart (*Chairman*), Argue, Bélisle, Burchill, Cook, Lefrançois, Prowse and Roebuck—(8).

Present, but not of the Committee: The Honourable Senators Benidickson, Deschatelets and MacKenzie.

Upon motion—*Resolved* to recommend that 800 English and 300 French copies of these proceedings be printed.

In attendance:

E. Russell Hopkins, Law Clerk and Parliamentary Counsel.

R. J. Batt, Assistant Law Clerk and Parliamentary Counsel, and Chief Clerk of Committees.

Bill C-30, "An Act to amend the Immigration Act", was considered.

WITNESS:

Department of Manpower and Immigration:

J. C. Morrison, Director-General of Operations.

Upon motion—*Resolved* to report the said Bill without amendment.

At 3.20 p.m. the Committee adjourned to the call of the Chairman.

ATTEST:

Frank A. Jackson,
Clerk of the Committee.

REPORTS OF THE COMMITTEE

TUESDAY, March 26th, 1968.

The Standing Committee on Immigration and Labour to which was referred the Bill C-30, intituled: "An Act to amend the Immigration Act", reports as follows:

Your Committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said Bill.

All which is respectfully submitted.

EARL W. URQUHART,
Chairman.

TUESDAY, March 26th, 1968.

The Standing Committee on Immigration and Labour to which was referred the Bill C-30, intituled: "An Act to amend the Immigration Act", has in obedience to the order of reference of March 26th, 1968, examined the said Bill and now reports the same without amendment.

All which is respectfully submitted.

EARL W. URQUHART,
Chairman.

THE SENATE

STANDING COMMITTEE ON IMMIGRATION AND LABOUR

EVIDENCE

Ottawa, Tuesday, March 26, 1963.

The Standing Committee on Immigration and Labour, to which was referred Bill C-30, to amend the Immigration Act, met this day at 2.30 p.m. to give consideration to the bill.

Senator Earl W. Urquhart (Chairman), in the Chair.

The Chairman: Honourable senators, we have before us for our consideration Bill C-30, to amend the Immigration Act.

The committee agreed that a verbatim report be made of the committee's proceedings on the bill.

The committee agreed to report recommending authority be granted for the printing of 800 copies in English and 300 copies in French of the committee's proceedings on the bill.

The Chairman: Honourable senators, this bill was considered and passed by the House of Commons in about an hour, and it was debated this morning in the Senate. The senators on both sides of the house supported the bill without reservation, but it was the wish of Senator Roebuck that it be referred to this committee so that certain questions he had, as well as those that other honourable senators might have, could be answered by an official from the Department of Manpower and Immigration.

We are happy to have with us this afternoon Mr. J. C. Morrison, Director-General of Operations of the Department of Manpower and Immigration.

Senator Benidickson: I understand that Mr. Kent is in Toronto.

The Chairman: That is right. The meeting is now open, and honourable senators are free to ask any questions they wish of Mr. Morrison.

Senator Benidickson: Mr. Chairman, as sponsor of the bill, perhaps I might make it easier for the members of the committee if I point out that paragraph (a)(ii) of section 5 of the Immigration Act presently reads as follows:

- (a) persons who
- (ii) are insane or, if immigrants, have been insane at any time

That paragraph will read in the same way, and then the words "except an immigrant" et cetera are added by this bill. In other words, the words that are proposed by this bill follow the words "at any time".

The Chairman: Thank you Senator Benidickson.

Senator Roebuck: Now, Mr. Chairman, I suppose I am responsible to some extent for the fact that we are all here, but I do not think that that is a hardship. I should like to point out that when the bill came before us for the first time it contained a reference to the present statute, but it did not state what the statute provides. Senator Benidickson has just given us an inkling of it. The section to which he refers is section 5 which reads:

No person, other than a person referred to in subsection (2) of section 7, shall be admitted to Canada if he is a member of any of the following classes of persons:

Then paragraph (a) subparagraph (ii) says: are insane or, if immigrants, have been insane at any time.

Then, as Senator Benidickson has pointed out, we are proposing to add:

...except an immigrant whose admission to Canada is authorized by the Governor in Council upon evidence satisfactory to him, which shall include the evidence of a qualified medical practitioner, that

(A) for at least seven years immediately preceding the date of his application for admission, he has neither been a patient in any hospital for the treatment of his insanity nor suffered any significant recurrence of the symptoms thereof, and

(B) the symptoms of his insanity are unlikely to recur,

We did not have all this before us. We had only the amendment. We did not have the act itself. I, of course, wanted to read and consider the effect of the amendment on the act, so I do not think I need make any apology for bringing us all together here. As I said in the house, I wanted to see that the amendment did what we thought it did, because this is a very important change which is long overdue.

I gave an illustration of a young person who came here just after the war. She was a young girl who, as a result of very bad nutrition and terrible strain and so on, had some mental trouble when she got here. Her father had little facility for taking care of her and he put her in a home for a while. There she got quiet treatment and good nutrition, and soon recovered. That girl is still only a non-permanent immigrant and cannot travel to the United States or other foreign countries with the assurance of being able to return home. Some 20 years have gone by, and unless we pass this bill she has no right to apply for citizenship.

Senator Prowse: Do I understand correctly that it requires an order in council in each individual case?

Mr. J. C. Morrison (Director-General of Operations, Department of Manpower and Immigration): That is right, sir.

Senator Benidickson: If a person had been barred because of his criminal record, would it be possible to get an order in council more or less erasing that handicap and permit citizenship, but not on insanity grounds?

Mr. Morrison: No, as the act is worded at the moment without amendment it is possible under section 5 (d) for the Governor in Council to be satisfied that a person with a criminal record has been rehabilitated, normally provided five years have elapsed since the last offence when dealing with an adult, or two years for someone who committed the offence under the age of 21.

Senator Deschatelets: Do the words "qualified medical practitioner" mean that a prospective immigrant from Italy would have evidence supplied by an Italian practitioner or a practitioner from the department or the immigration services?

Mr. Morrison: I think the only way I can answer that is by saying that the results of overseas medical examinations of immigrants, whether carried out directly by a Canadian doctor employed by National Health and Welfare or by a local doctor, have to be satisfactory to our own doctors. I think the answer to your question is that if a qualified doctor in, say, Italy, France or Germany authorized by the Department of National Health and Welfare to conduct these examinations on our behalf certified as required, our doctors would accept this, or, if they had cause, not accept it.

Senator Deschatelets: I suppose in such a case the Italian doctor would also provide a medical history prior to the examination?

Mr. Morrison: That is right.

Senator Deschatelets: This bill will undoubtedly serve a practical purpose, but do you know how many applications there were in any previous year from people barred from coming to Canada beforehand? How many cases approximately?

Mr. Morrison: I have not any exact statistics immediately available. My impression is, from dealing with problem cases over a period of two or three years, that the previous insanity as such is not all that frequently the cause of rejection.

Senator Deschatelets: A more serious case that we might think of, I presume, would be that of an Italian family in which the father, mother and some children are admitted under the existing regulations but one child is left out. This is the purpose.

Mr. Morrison: That is right. This is one of the purposes, certainly, that would be accomplished.

Senator Benidickson: Are we thinking about two things here? Are we thinking about an opportunity to come *ab initio* as an immigrant, and are we also thinking about people who may have come as visitors and who would normally have the status of landed immigrants? Are there two factors? One the

right to come to Canada as an immigrant and the other to get citizenship as an arrival or as a person that is in Canada.

Mr. Morrison: Well, I think really there are three problems that this amendment will help to overcome. First of all, there is the person who is still in his own country and wants to come to Canada but cannot, because there is a history of insanity, and under the act as it is written there is simply no way round it. Secondly, a person comes as a visitor and, perfectly legally, applies to remain in Canada, as he is entitled to do under the new regulations, but on medical examination is found to have a history of insanity which automatically makes it impossible for us to grant landing.

The third possibility is that of someone who is accepted as an immigrant, apparently perfectly healthy, comes to Canada, suffers a mental breakdown and it then turns out that in fact this person had had occasions of this kind before ever coming to Canada.

Senator Benidickson: Could he be deported?

Mr. Morrison: Technically, under the act, under section 19, there is provision for anyone to be ordered deported if he was in the prohibited class at the time he actually came here.

Senator Benidickson: If there had been a history before arrival.

Mr. Morrison: That is right. In this particular case, if the basis of the order were previous insanity, which it could be proved had antedated the arrival in Canada, then under the act as written, even though the order might not actually be executed, it would be impossible ever to get rid of the order or do anything on behalf of that person. If he had not acquired citizenship, which of course would remove him from our jurisdiction in any event, then he would apparently be in this awkward position where nothing could be done. This is where some of those cases that were mentioned a moment ago, and which were referred to in debate in the house, actually originated.

Senator Prowse: This would also cover the situation where a person having come here probably had no previous history of insanity, but within the five-year period that they needed as landed immigrants became committed to a mental hospital in Canada. In these

circumstances such a person would be in the same position as one convicted of an indictable offence. Is that not correct?

Senator Benidickson: And he would be deported.

Mr. Morrison: Under the act, if a person is an immigrant but has not yet acquired his citizenship, technically, if he has to enter a mental institution, he legally becomes subject to an order of deportation.

Senator Prowse: But that is limited to a five-year period after being accepted but before becoming citizens.

Mr. Morrison: Before they become citizens, that is right.

Senator Roebuck: Could the witness give us the definition of insanity which they use?

Mr. Morrison: No, sir. I am not a doctor. We have to rely on the diagnosis of the Department of National Health and Welfare.

Senator Roebuck: And is any mental trouble included in insanity? For instance, a friend of mine has a retarded child. Retardation is in various grades, of course. Sometimes it is very slight. However, is that included in insanity?

Mr. Morrison: Not being a doctor, sir, I really could not say. I should point out that there is an earlier provision in section 5(a) or 5(a)(i) which speaks of "idiots, imbeciles or morons". It is up to the doctor conducting the medical examination of a prospective immigrant, if he finds mental trouble, to decide on medical grounds into which of these two categories the person fits. But there is this distinction, that there is no absolute prohibition under Section 5(a)(i), and if the person has any history at all he cannot ever be relieved from it.

Senator Deschatelets: This brings up the entire question: Under the existing legislation do we admit a retarded child?

Mr. Morrison: We frequently do, under the authority of the minister's permit. I have forgotten exactly how frequently.

Senator Deschatelets: As a member...?

Mr. Morrison: Usually as a dependent member of a family which is otherwise quite acceptable. The minister's permits in the last few years have been used quite freely.

Senator Benidickson: But there are no minister's permits possible with respect to the people we are dealing with in this province?

Mr. Morrison: Minister's permits can be used but even if the doctor comes back after two or three years and says that the person is cured, this does not affect our ability to do anything for them, simply because there is this absolute prohibition. For example, if a medical doctor certifies today that a youngster, in his judgment, has failed under the provisions of Section 5(a)(i) . . .

Senator Benidickson: Insane?

Mr. Morrison: No. Section 5(a)(i) is really "idiot, imbecile or moron". If this same doctor came back two years later and said that on further examination this particular youngster, in his judgment, is now perfectly healthy, then we are quite free to land that child—who in the meantime perhaps has been admitted under minister's permit.

Senator Prowse: The situation is that the words "imbecile, idiot or moron" would cover complete mental deficiency, but not necessarily mental disease.

Mr. Morrison: That is my understanding.

Senator Prowse: Whereas "insanity" deals not with the quantity but with the quality of the mental capacity?

Mr. Morrison: That is so.

Senator MacKenzie: Mr. Chairman, I am not a member of the committee, but there are one or two points which I would like to put.

I am in favour of the bill. I think it is a desirable amendment. However, I am concerned about the problem of being sure that the individual in question is likely to be and remain a good citizen.

I have in mind the son and the wife of Arnold Webster, one of the finest citizens of Vancouver—the son was a member of the staff of the University of British Columbia—who were shot while in their own backyard. A young man who was known to be unstable shot them from an upstairs window of a neighbouring house. Nothing was done about it.

I was reading only yesterday about this tragic Peterson case in Saskatchewan, where nine members of one family were shot and killed, again by a poor unfortunate individual who had been released from a mental institu-

tion on the assumption and expectation of the medical authorities responsible that he was a safe citizen.

I am interested in the points which Senator Deschatelets raised, as to who the doctor is who gives the certificate and how competent he is. I take it that this is a matter for your department and for the Department of Health and Welfare, to be fully persuaded and satisfied about this.

With the best will in the world, and the greatest sympathy for the individuals in question, this is a very serious matter. It has to be set right, so I want to be on record to the effect that concern be exercised about the person who is or is not to be admitted.

Mr. Morrison: That is quite right. We have in a sense the same sort of problem in deciding whether to recommend to the Governor in Council that people with criminal records, for example, should be considered to be rehabilitated.

Senator MacKenzie: That is true, but a criminal may be a criminal because he steals something and not by reason of murdering a number of people because of insanity. There is a slight difference here in terms of the protection of the citizen.

Mr. Morrison: This is true, but I think the point I wished to make was that our procedures in trying to assemble as much evidence as we can and giving it fairly careful scrutiny have been in use now for quite a number of years in respect to people with criminal records. In this instance we would have to be even more careful with this other type of case and we would have to have from the Department of National Health and Welfare a pretty clear assurance that they were satisfied. Then the Governor in Council has to examine the evidence very carefully and come to a decision whether the requirements have been satisfied.

Senator Cook: Following on the point raised by Senator MacKenzie, there would be two cases. If an immigrant had been a patient for some time in a hospital, then you would have all sorts of hospital records, and if he were not back in hospital during the seven years previous you would have something to start with. But supposing you had an individual who had always been treated at home, what would be the situation then? There you might not have too good a record of his mental history. In the bill it says "for

at least seven years immediately preceding the date of his application for admission, he has neither been a patient in any hospital for the treatment of his insanity nor suffered any significant recurrence of the symptoms there. . . " In the case I have in mind he might have had a family doctor looking after him who might give him a certificate that he is all right. I wonder if the bill would be improved if instead of saying "the evidence of a qualified medical practitioner" you were to say "the evidence of one or more qualified medical practitioners". How far is the minister bound to accept the evidence of one medical practitioner? As I have said there might be cases where a man or woman had never been in a hospital—whether you describe the institution as a home or a hospital does not matter—and therefore I wonder if it would be an improvement to change the wording in the way I have suggested.

Senator Prowse: It says that it shall include at least one. He could have 14 in there if he wanted it.

Senator Burchill: Does the department look with favour on this amendment?

Mr. Morrison: Yes.

Senator Prowse: Mr. Morrison, I presume you would be the person who would give the information to draw the Order in Council and make recommendations to the Governor in Council at the present time?

Mr. Morrison: Up to a couple of weeks ago I would have been, but I am working in a slightly different area now.

Senator Prowse: But you would be familiar with the procedure?

Mr. Morrison: Yes.

Senator Prowse: In that case, what would be the procedure that would be followed here?

Mr. Morrison: The procedure we use under section 5(d), which is the one which is similar at the moment, is that where the overseas office has an application from a person who may be entitled to relief under the act and feels, on the evidence they have, there is a case for seeking relief, they are responsible for gathering together all the evidence that is available or necessary, or getting more evidence if needed, and sending it to Ottawa for

a decision. Frequently we have to write or cable back asking for additional information, because we are not satisfied with what we have.

If, when the whole set of documents has been reviewed, we are satisfied that there is a good case to recommend to the Governor in Council, we put it up to the minister, and if he is satisfied it goes to the Council and the Council considers it and comes to a decision.

Senator Prowse: Am I correct in assuming that this Order in Council has to be placed on the agenda of a meeting of the Council?

Mr. Morrison: No, it follows the normal procedure for dealing with Orders in Council.

Senator Prowse: What is that?

Mr. Morrison: It is some time since I have had anything personally to do with them, but it is my understanding, unless the practice has changed, that there are weekly meetings, or more frequently, at which business of this kind is placed before whatever constitutes the quorum of the Council.

Mr. E. Russell Hopkins, Law Clerk and Parliamentary Counsel: It is four.

Mr. Morrison: Yes, four. There is an additional processing through the Privy Council Office itself, where the staff is responsible for scrutinizing material coming forward, and occasionally I have had telephone calls from one or other of the staff members asking for additional information on a point. So, it gets fairly well scrutinized by a variety of people before it is settled.

Senator Prowse: They would have all the information they wanted?

Mr. Morrison: Yes. There have been occasions when a submission has been sent back because there did not appear to somebody to be enough information to support the recommendation, or there was some question about its validity and they wanted it checked out. Certainly, the same could conceivably happen, and might be more likely to happen, in this type of relief.

Senator Prowse: Whereas here you may have had some warning, and if there was much chance of a relapse they are not going to act. On the other hand, if people have come in without any prior knowledge and become citizens, once they do, we are stuck with them anyway.

Mr. Morrison: Yes, there is no jurisdiction whatever under the Immigration Act for someone who is a citizen.

Senator Roebuck: I suppose it is a matter of judgment, is it not?

Mr. Morrison: Yes.

Senator Roebuck: You cannot draw any very hard and fast lines with regard to the sanity of people. I remember in the old English aphorism, for instance, the chap says to

his wife, "All the world is queer, but thee and me—but thee's a bit queer!"

The Chairman: Are there any further questions?

Senator Roebuck: I move the bill be reported without amendment.

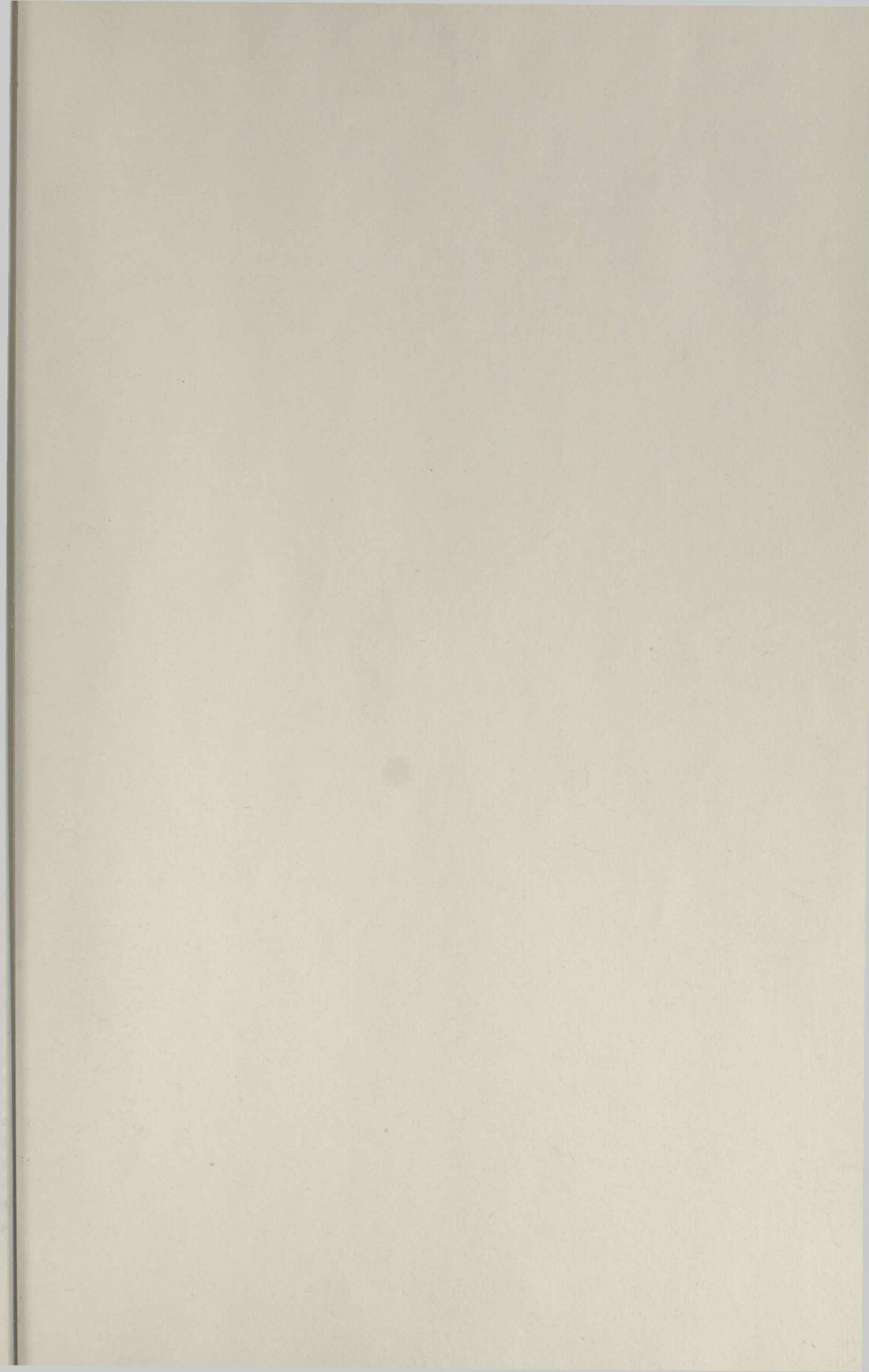
The Chairman: Is it agreed that I report the bill without amendment?

Hon. Senators: Agreed.

The committee adjourned.

Mr. Morrison: It follows the normal procedure for dealing with Orders in Council. Senator Roebuck: What is that? Mr. Morrison: It is a simple thing. I have had anything and everything to do with them, but it is my understanding, unless the process has changed, that there are weekly meetings or more frequently at which business of this kind is placed before whatever constitutes the quorum of the Council. Mr. E. Russell Hobbes, Law Clerk and Parliamentary Counsel: It is four. Mr. Morrison: Yes, four. There is an additional procedure through the Privy Council Office, where the Clerk is responsible for examining material coming forward, and occasionally I have had telephone calls from one or other of the said members asking for additional information on certain subjects which will be furnished by a variety of people before it is decided. Senator Prosser: They would have all the information they wanted? Mr. Morrison: Yes, there have been occasions when a submission has been sent back because there had not been somebody to be given information to support the request. In such a case, as there was some question about the validity and what it entailed, and whether the same could conceivably happen in this type of matter. Senator Prosser: Whereas here you may have had some waiting, and if there was much change of a relative they are not going to act. On the other hand, if people have come in without any prior knowledge and become citizens, does that do we are dealing with their anxiety.

Senator Prosser: As I have said there might be cases where a man or woman had never been in a hospital—whether you described the condition as a hope or a hospital case or not—and therefore I wonder if it would be in the interest to change the wording in any way I have suggested. Senator Prosser: It says that it shall include at least one, the clause have to be there to be inserted. Senator Hutchins: Does the department look with favour on this amendment? Mr. Morrison: Yes. Senator Prosser: Mr. Morrison, I presume you would be the person who would give the information to draw the Order in Council and make recommendations to the Governor in Council at the present time? Mr. Morrison: Up to a couple of weeks ago I would have been, but I am working in a slightly different area now. Senator Prosser: But you would be familiar with the procedure? Mr. Morrison: Yes. Senator Prosser: In that case, what would be the procedure that would be followed here? Mr. Morrison: The procedure we use under section 10(1) which is the one which is similar at the moment, is that where the overseas officer has an application from a person who may be entitled to relief under that act and he has the evidence they have, there is a deal on seeking relief, they are responsible for gathering together all the evidence that is available or necessary, or getting more evidence if needed, and sending it to Ottawa for



The meeting was held in the conference room on the 15th of the month. The agenda was as follows:

1. Report on the progress of the project.

2. Discussion of the budget.

3. Approval of the minutes of the previous meeting.

Mr. Smith: "All the work is done, but there are some minor items to be done."

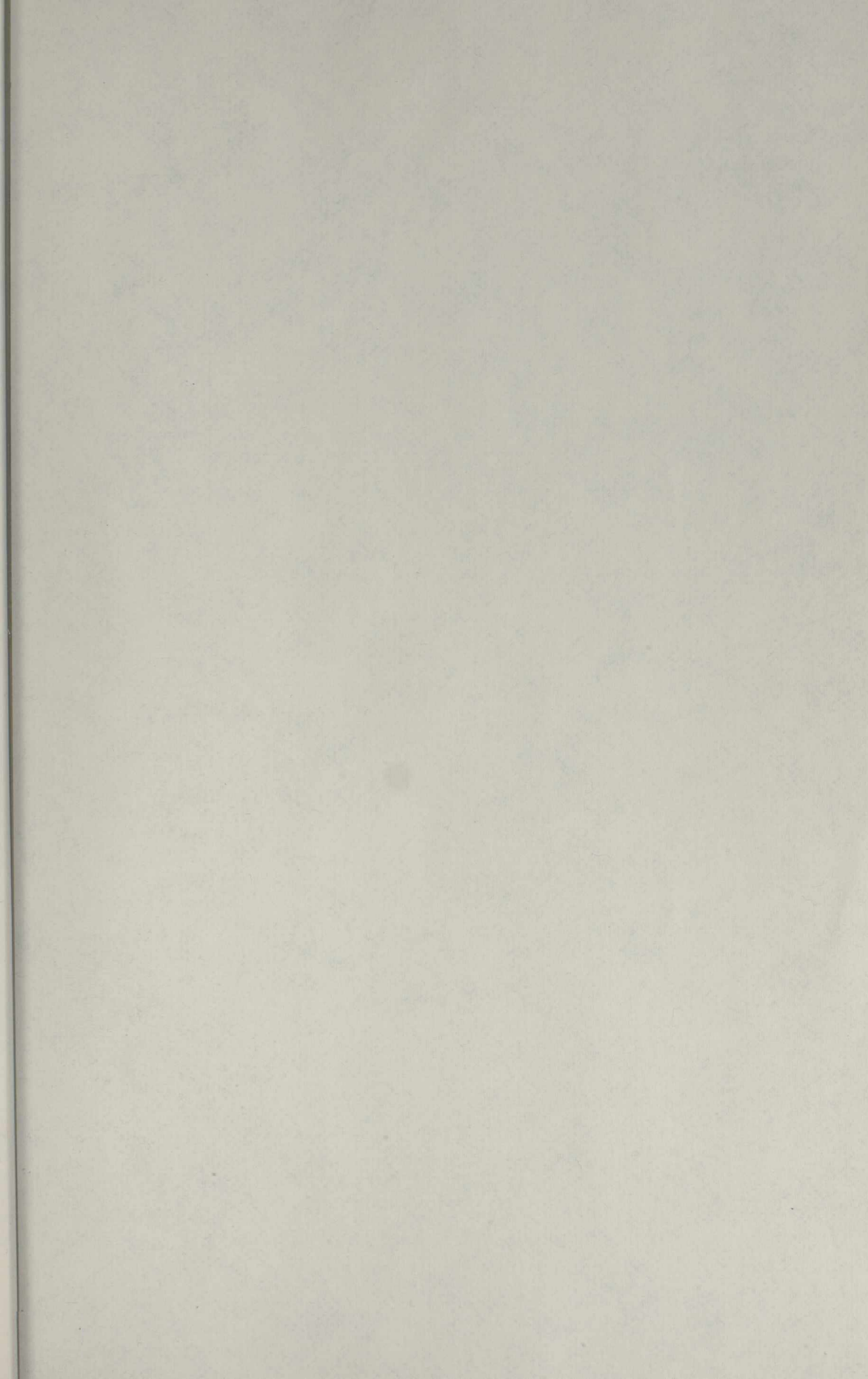
Mr. Johnson: "Are there any further questions?"

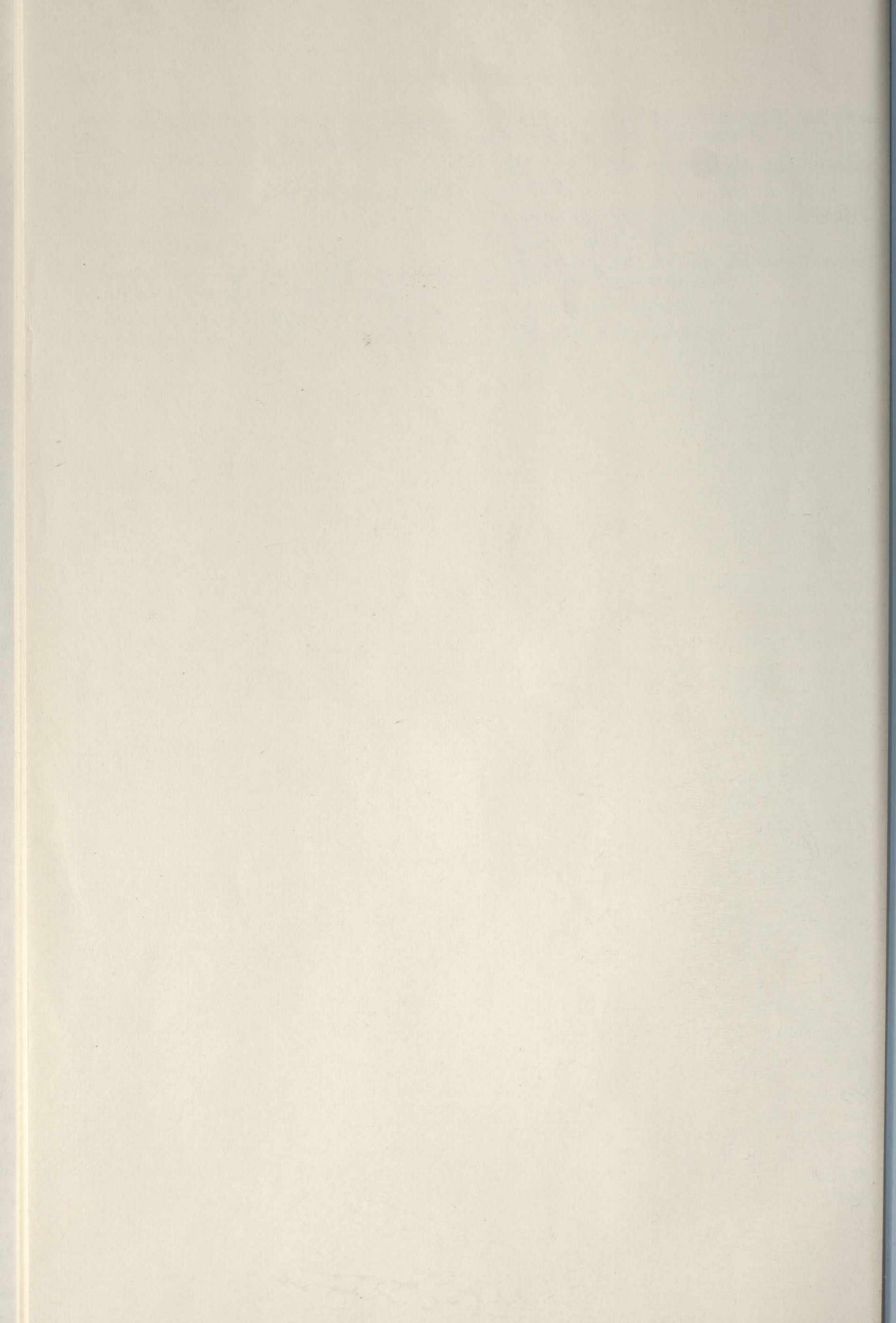
Mr. Brown: "I think the bill is reported in good condition."

Mr. White: "Is it correct that I report on this without amendment?"

Mr. Green: "Agreed."

The meeting adjourned.





SENATE OF CANADA
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