

*Navigable Waters Protection Act*

restriction of their right to work, unless we know exactly what the grounds are upon which they will be denied the right to work. I should like to be sure that in this country anyone who is actively working for that international form of treachery known as communism would be dealt with properly under our laws. I believe that should not be done unless there is a law defining what the offence is. I believe it could be defined in the Criminal Code, and I believe that is the place for it to be defined. I then believe we might well be asked to consider a section of this kind that would say that a man convicted of any offence under the Criminal Code, which has to do with loyalty to Canada or loyalty to the state, shall not be permitted to work on these ships. This would be following the proper practices under our traditional procedure. To say, however, that the government shall have a wide-open power according to its whim at any time to say who can work and who cannot work, what shall constitute an offence and what shall not, to define a crime and impose a penalty without parliament's knowledge, is in my belief a step retrograde by 400 years. This carries us back to what has so long been known to lawyers as the Henry VIII clause. I would point out that even the Henry VIII clause was not as wide open as that. I believe this is a good time, when we are talking about the struggle between freedom and democracy on the one hand and totalitarian authority on the other, to make sure we do get back to the supremacy of parliament and the rule of law. I, therefore, shall oppose the section.

**Hon. Milton F. Gregg (Minister of Labour):** I wonder whether the next speaker would mind if I made a few remarks at this juncture. It is not my desire to enter into the debate, and my only reason for doing so is to clear up perhaps one or two points that were left by the Leader of the Opposition (Mr. Drew) and also add to what was said by the parliamentary assistant to the Minister of Transport. I believe the Leader of the Opposition inferred just now that under the regulations, and consequently under this bill, it was proposed that the Minister of Labour should be given authority to define "communism" as such. I can assure him that that was not the object of the regulations, and certainly it is not in the bill which refers to regulations considered "necessary or desirable in the interests of safety or security of Canada." There is no reference whatever to communism and there is certainly no reference to the part played by the leaders of labour organizations.

The purpose of part IV of the bill now before the house is to provide legislative authority to continue the powers granted

to me, as Minister of Labour, by the great lakes seamen's security regulations. As the parliamentary assistant has said, these were originally established by order in council P.C. 1439 of March 22, 1951, under the authority of the Emergency Powers Act. They were later amended and finally consolidated by order in council P.C. 2306 of May 2, 1952.

The Emergency Powers Act lapsed on May 31 this year, but because the government did not ask parliament to extend the life of that legislation it does not necessarily follow that all the authority it provided can prudently be permitted to vanish with it. The government has carefully examined all the orders made under this act and has reluctantly concluded that, in a few cases, present circumstances require that other enabling legislation must be sought. The great lakes seamen's security regulations is such a case. I can assure the Leader of the Opposition and the house that it certainly would be the desire of the Minister of Labour and the government, if it were at all possible, to follow some other course than taking this step now proposed, if there were a practical course.

These regulations require all seamen plying the great lakes system in Canadian vessels to obtain an identity card, known as a seaman's card, issued by the Department of Labour, without which they may not sail. The Minister of Labour is empowered to refuse such a seaman's card to any applicant whose presence on board a Canadian vessel in the great lakes might prejudice the security of Canada. There is no reference there to the question of communism.

Hon. members will no doubt recall the circumstances under which these regulations were first established. In the summer of 1950 the United Nations took action to resist the aggression of North Korea against the republic of Korea. At that time, there was naturally very close consultation between the governments of Canada and of the United States on all matters pertaining to the police action of the United Nations in the Korean conflict. And, of course, that consultation and co-operation has existed and continued all through the piece. The question of national security in both countries was reviewed with particular care and it was agreed that special measures should be taken to afford greater protection against possible sabotage in that very important link in our transcontinental transportation facilities, namely the great lakes-St. Lawrence system. Consequently, co-ordinated steps were taken in both countries before the opening of the following navigation season. That was