

Navigable Waters Protection Act

Upon receipt of a request for review, the minister asks this advisory committee of not less than three in number to investigate all the available information, and report its views with respect thereto to the minister. In practice, where the need to appoint an advisory committee has arisen, a committee of three persons has been appointed consisting of the retired judge, to whom I referred, as chairman, and two other members representing organized labour. Under the present regulations the advisory committee, subject to the direction of the minister, furnishes to the person who has requested the review such information made available to it as in the opinion of the committee it is possible to furnish to him without prejudice to the security of Canada and to the public interest. The committee also affords the individual an opportunity to make representations to it either personally or with the assistance of counsel.

The minister may, after considering the report of the advisory committee, grant or refuse to grant a seaman's card to the person requesting the review, and the minister's decision is final. The minister's decision is conveyed to the person requesting the review in writing. I can add that in each case I have followed sedulously the recommendations of the advisory committee.

Mr. Diefenbaker: In how many cases did the advisory committee recommend a change?

Mr. Gregg: I am afraid I sent my notes to *Hansard*. It would not be complete to mention just one item out of a number, so perhaps I might repeat a portion of my remarks.

On April 26, 1954, there was a total of 30,540 applications received and processed under the regulations in the manner I have described. Some of the applications were imperfect, that is had not been made out properly, and some persons who had made applications could not be traced when the national employment service attempted to call them up. Of the remainder, 29,971 were sent to the R.C.M.P. for checking. Of these a total of 29,571 had been screened at that date, April 26, while 400 cases were still under investigation. Of the 29,571 applications screened, a total of 29,422 were cleared and 149 applications were questioned. Of the 149 cases questioned for the reason that information had been received having a possible bearing upon security, 122 were cleared as a result of the study of the circumstances by the minister's advisers, while 20 were refused regular seaman's cards and seven cases were in abeyance pending a decision as to whether or not cards should be issued.

As of April 26, 1954, seven of the persons denied cards had made a request for a review

[Mr. Gregg.]

of their cases. In one of these cases a further investigation resulted in the person being cleared without a review by the advisory committee. In three cases the committee confirmed the minister's decision to refuse to issue a card. Two requests for review lapsed, one for the reason the subject was deported and no further action was required under the security regulations, and the other for the reason the person concerned did not present himself for hearing. One request is still pending.

Mr. Drew: I wish to direct my remarks once again to one aspect of this measure before us with which I did deal this morning and which the Minister of Justice in turn dealt with following what I had said. The Minister of Justice spoke of the fact that 24 dangerous men had been kept off ships as a result of this measure, then effective under the Emergency Powers Act. He asked if we did not believe it was a good thing that was done. Of course, we believe it is a good thing to keep dangerous men off ships. We believe, however, it should be done under a proper legal process. We believe it should be done under a law that is known to the person affected. We believe it should be done under a law which permits appeal to the courts and protects the right of the individual. We believe it should be done under a procedure that is consistent with our long established ideas of an open trial, except in those extremely unusual cases where some secrets of immense importance might possibly be under consideration. However, that does not affect the cases before us, so far as can be ascertained.

What we have been pointing out is that if there are dangerous men, those dangerous men should be dealt with under methods which do not infringe upon that democracy and freedom that we presume such dangerous men would wish to destroy.

One point which has not been dealt with effectively by the government is the point we make that this is brought up in a very improper way, under an amendment to the Navigable Waters Protection Act. As has been so aptly pointed out by the hon. member for Prince Albert (Mr. Diefenbaker), this is creating a list of undefined offences in respect of which there may be punishment by a method, in itself not defined, and limited to a particular geographical area. Not only is it limited to a particular geographical area, but it is limited to a particular occupation.

May I ask just a few questions which, in themselves, it seems to me, seem to give the answer to any suggestion that this is the proper way to deal with offences of the kind