

Navigable Waters Protection Act

Mr. T. S. Barnett (Comox-Alberni): Mr. Speaker, I have been following the discussion on this question, and I sense that even the Minister of Labour (Mr. Gregg) and the Minister of Justice (Mr. Garson) are not too happy over what they consider to be the necessity for the introduction of a measure of this kind.

Mr. McIvor: They look happy.

Mr. Barnett: In other words, they would prefer it if the situation were not such as to make the introduction of this sort of measure necessary as they view the situation. It seems to me that, in the words of the minister, if the powers granted here were abused it could be a dangerous thing in a democratic society. For that reason I believe that members of the house should scrutinize carefully the introduction of this type of legislation which singles out a certain segment of the working people of Canada for a special form of attention.

The Leader of the Opposition (Mr. Drew) pointed out the sort of thing that could happen. He asked why, if such a provision were going to be made applicable to seamen on the great lakes, it should not also apply to workers in power plants. If it were made applicable to workers in power plants why should it not apply also, for example, to workers in the Consolidated Mining and Smelting Company in British Columbia? One thing could lead to another.

For that reason I think the house should at least canvass all possible alternatives to the approach to this matter that is taken by the proposed amendment to the Navigable Waters Protection Act. I have taken the trouble to look at the Canada Shipping Act which in part III deals with matters affecting seamen. It seems to me that some of the problems that are supposed to be dealt with by the proposed amendment to the Navigable Waters Protection Act are in a sense covered by the Canada Shipping Act. For example, section 250 and following deal with provisions as to discipline. Section 250 reads as follows:

If a master, seaman, or apprentice belonging to a Canadian ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,

(a) does any act tending to the immediate loss, destruction, or serious damage of the ships, or tending immediately to endanger the life or limb of a person belonging to or on board the ship,

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb, he is in respect of each offence guilty of an indictable offence.

[Mr. Macdonnell.]

In section 256 there are certain provisions for protecting the master and officers of a ship from assault. Subsection 1 (e) reads as follows:

If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he is liable to imprisonment for a period not exceeding three months.

Subsection 1 (f) reads as follows:

If he wilfully damages his ship or steals or wilfully damages any of her stores or cargo, he is liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding three months.

Subsection 2 says:

Any imprisonment under this section may be with or without hard labour and the court may discharge the seaman from his ship.

Then, section 187, subsection 1, says:

Where a seaman is discharged before a shipping master the master shall make and sign, in a form approved by the minister, or any form approved by the proper authority in that part of Her Majesty's dominions in which the ship is registered, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the shipping master before whom the discharge is made shall, if the seaman desires, give to him a copy of such report (in this act referred to as the report of character).

Subsection 2 says:

The shipping master shall transmit the reports to the minister, or to such other person as the minister may direct, to be recorded.

Subsection 3 says:

Every person who

(a) makes a false report of character under this act, knowing the same to be false;

(b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character;

(c) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him;

is in respect of each offence guilty of an indictable offence.

Then, section 258 (1) says:

A seaman who, on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship, or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, is for each offence liable to a fine not exceeding twenty-five dollars.

It seems to me, Mr. Speaker, that when we have an act such as the Canada Shipping Act which deals with questions relating to shipping, when we have set forth in that act provisions against offences that will cause damage to a ship or its cargo, when we apparently have wide powers already set up in regard to keeping track of the character