

Navigable Waters Protection Act

and that the offence is not provided for anywhere else under our law. I think I am stating it correctly when I say that the purpose has been described by both ministers as the refusal or withdrawal of a seaman's card on the grounds of anticipated sabotage. Is that a fair summary of what the ministers have said?

Mr. Garson: No, that is not an offence.

Mr. Fulton: I see the Minister of Labour is nodding his head signifying assent. Very well. The withholding or withdrawing of a seaman's card on the grounds of anticipated sabotage is done because it is suspected that the man, on account of his past associations or something they think about him, is likely to commit sabotage. That is why the card is withheld or withdrawn, and the withdrawing or withholding has the effect of depriving that man of the right to work at his calling, does it not?

Mr. Garson: I think it deprives him of the right to work at his calling in that particular area. I think it is not an offence any more than it would be an offence of my hon. friend from Kamloops if a club refused his application for admission.

Mr. Drew: He could go to another club.

Mr. Fulton: In either case the man has been a seaman on the great lakes, and he is not working for the government. It is not the steamship company which gives or withholds the card. Do not let the minister try to becloud the issue by pretending that it is the steamship company which refuses him employment. It is the government which refuses him employment, and he suffers that penalty because the Minister of Labour thinks that the man may commit sabotage. That is imposing a penalty. It cannot be described in any other words. Therefore it is creating a new offence and the offence is that of being a man about whom it is anticipated he may commit sabotage.

That offence is not covered under any other law of this country and certainly should not be covered, not in those terms at any rate. The point we have made throughout is that if the government is going to say that it is justified in imposing penalties on these men because of their actions, associations or whatever it may be then they should have the courage to come and ask parliament to enact such a law. I doubt whether parliament would do so in these terms.

It is for that reason that we object to giving the governor in council the right to do behind closed doors what we strongly suspect parliament would not do if it were asked to enact it in legislation. Therefore

the government, under the regulations they have already made, have created a new offence, the offence of being suspected to be likely to commit sabotage, and they have imposed the penalty of loss of job by withholding the card. If the Minister of Labour, who administers it, can put any other construction on it, I would be glad to hear him attempt to do so.

The Deputy Chairman: Shall we proceed to the consideration of clause 2, section 35?

Mr. Green: May I ask the Minister of Labour one or two questions about this measure? I was unable to be here this morning because of the meeting of the veterans affairs committee but I have read a transcript of the remarks that were made. I understood the Minister of Labour to say that these regulations were first enacted as a result of the fighting in Korea. Is that correct, that the reason the government saw fit to bring in these regulations was on account of the fighting in Korea?

Mr. Gregg: In general terms that is the case. I think I stated that as we would all remember, in 1950 we were in a period of emergency or threatened emergency. It was because of that emergency that discussions were entered into between the governments of Canada and the United States with regard to shipping on the great lakes. It was as a result of those discussions that the Canadian government decided to take the step of co-operating with the United States in this regard.

Mr. Green: The same reason was given to us for retaining the Emergency Powers Act, namely, the fighting in Korea. Yet this year the government, after a great deal of pressure had been brought to bear on it in the house and throughout the country, saw fit to allow the Emergency Powers Act to lapse. That was the act under which these regulations were passed. If the emergency has lessened to the extent that the Emergency Powers Act can safely be allowed to expire, how does the Minister of Labour justify retaining these regulations which were passed under the Emergency Powers Act?

Mr. Gregg: Mr. Chairman, the government did hope that it might be able to take the step suggested by my hon. friend, namely, that these regulations could follow the course of the Emergency Powers Act and disappear. But during the last several months the matter has been under careful consideration, and in view of all the factors, which affect other departments as well as my own, it was decided to take the step which is outlined here.