

chant Shipping Agreement as it relates to collective bargaining and living conditions on vessels which operate in coastal waters. The ship I have in mind sails between Nova Scotia and Newfoundland, but other ports are affected as well.

• (1620)

The British Commonwealth Merchant Shipping Agreement received support from this chamber on June 8, 1934, a day otherwise marked by the fact that one Mitchell Hepburn resigned from the chamber. Mr. Manion asked, "Where does he go from here?" and Mr. Hanbury replied, "He is going to be the next premier of Ontario". That forecast was an exact one. Then followed a couple of private bills, and then the debate on the Canada Shipping Act, which is found at page 3812 and subsequent pages of *Hansard* of that date.

The Commonwealth Merchant Shipping Agreement was a replacement, thanks to the Statute of Westminster, of British statutes that formerly had some application in Canada. In other words, this was an important measure in the Canadian process of growing up as a nation. The Commonwealth Merchant Shipping Agreement was signed by the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland and laid down the main lines along which legislation should be enacted in the different dominions.

There are ten parts to the agreement, dealing with common statutes in ownerships, uniform standards of safety, extraterritorial operation of laws, equal treatment for all ships registered in the British Commonwealth, internal discipline, engagement and discharge of seamen, standards of qualification for officers, shipping inquiries and courts, relief and repatriation of seamen, offences on board ship, and general provisions related to the implementation of the agreement. The agreement also provided that changes could be made to it, but oddly enough only one change has been made to the agreement, and that at the instance of Canada about ten years ago. However, the change is not relevant to the argument that I should like to make. The library of Parliament has provided me with the information I have so far given the House.

On looking at the Commonwealth Merchant Shipping Agreement one finds that under part III, which deals with the extraterritorial operation of laws, article 9 provides:

Save as otherwise specially provided in this agreement, the laws relating to merchant shipping in force in one part of the Commonwealth shall not be made to apply with extraterritorial effect to ships registered in another part unless the consent of that other part of the Commonwealth has been previously obtained:—

Provided that nothing contained in this article shall be deemed to restrict the power of each part of the Commonwealth to regulate the coasting trade, sea fisheries and fishing industry of that part.

What I have read so far is an enumeration of the matters covered by the Commonwealth Merchant Shipping Agreement. One will readily note that, viewed from the standards applicable today, the agreement is remarkably silent in that nowhere does it mention wages and other benefits to which people working in Canada are accustomed nowadays. For example, workers are accustomed today to being paid reasonable amounts. They are accus-

### *Canada Labour Code*

tomed to receiving reasonable holidays. They are accustomed to such reasonable fringe benefits as workmen's compensation, unemployment insurance in the event they are laid off, and so on. But those who drew up the Commonwealth Merchant Shipping Agreement predated the present era and that agreement is remarkably silent on such matters.

My intervention in this debate will be a very brief but I think important one. It is to point out to the minister that there are ships in our waters manned by crews that are not used to the same standards of living as Canadian workers. I can supply the names of the countries from which these crews come, but I think that might give some colour to my speech that I certainly do not intend. What I am more interested in is to see that, wherever they come from, since these people, in effect, work in Canada and visit Canadian ports—

**Mr. Deputy Speaker:** Order, please. I would ask the hon. member whether he is able to satisfy the Chair that his remarks are relevant to motion No. 1 now before the chamber. If the hon. member would so indicate, I would be pleased to hear him.

**Mr. McCleave:** Mr. Speaker, I understand that motion No. 1 deals with the preamble to the bill, which lays out the entire purpose of this legislation. The point I am trying to make to the minister is that in envisaging how this measure will be applied, he stop not at the coastal boundaries of Canada but also consider how ships operating within the Canadian coastal trade are living up to Canadian labour law or, rather, through some technicality are trying to get around Canadian labour law.

If my remarks are considered in order, Mr. Speaker, I can put my argument very briefly. I was pointing out that under the Commonwealth Merchant Shipping Agreement there is nothing to restrict the application by the Canadian Department of Labour of Canadian standards of wages and working conditions to those who man ships registered under the Commonwealth Merchant Shipping Agreement, seamen who are paid wages vastly different from those that any Canadian seaman worth his salt would put up with. This is my request to the minister. I think I have founded my argument sufficiently, and when the minister replies would he say whether his department will look at this particular situation.

**Mr. John Burton (Regina East):** Mr. Speaker, I think it is useful to include a preamble such as this in the bill. I listened to the remarks of the hon. member for Hamilton West (Mr. Alexander) and I must confess that his reasoning with regard to why the preamble should be omitted from the bill escaped me. I think it is very useful to have in the preamble to the bill a reference to the past history of labour legislation in Canada.

There may be some dispute about the facts of the matter as stated in the first paragraph of the preamble. Whatever be the adequacy of legislation in terms of encouraging the free collective bargaining process and the constructive settlement of disputes, as the first paragraph states, there may be some argument whether this process has always been carried through. Nevertheless,