

*Navigable Waters Protection Act*

it is acting behind closed doors and when the man who may be affected has no opportunity to defend himself before the courts. Yet that is precisely what we are asked to do. We are asked to give the government undefined powers which are not subject to supervision by the courts and which are not subject to the regular processes of appeal which assure that even our impartial judges may be corrected where they have erred, as they so often do in good faith, as the judgments on appeal demonstrate when we look at them from time to time.

Mr. Speaker, I do not want to labour the arguments I have made on this whole problem of delegated legislation. We have argued this question over and over again in relation to other measures. Nevertheless, those arguments become increasingly sound as we see, throughout the world today, the uncertainty in the minds of other people as to what our system of democracy really is. When we try to place before people living under authoritarian governments the virtues of democracy they say to us: Well, do you not give people the power to limit freedom, to deny people work by dictate, as we do? If one is honest the answer is: Yes, in certain cases we do. If we want to be able to convince others of the purity of our democratic process, let us avoid as we would avoid the plague the adoption in the name of convenience of those methods which, under the name of democracy, are nothing but authoritarian dictates no matter what we call them.

Here is a case before us where, without in any way challenging the good faith of the government or the intentions with which it puts this bill before us, the opportunity is afforded to remind them that when we seek to impress upon our own people and others the virtue and value of democracy and freedom we should make sure that the laws we pass conform to the strict principles of that system which we hail as having such great virtue. It is not, as a matter of fact, something new, something that has not been discussed. It is more than four hundred years since people thought they had dealt with legislation of this kind.

There was, as many people will recall so well, a principle of delegated authority known as the Henry VIII clause under which Henry VIII, by an act of parliament, was given certain powers of proclamation extending his authority beyond the ordinary supervision of parliament. That in itself was regarded with some concern in those days when we had not advanced nearly as far as we have in recent years toward the modern concept of the responsibility of parliament. That Henry VIII clause, however, was regarded even

then as something that departed from the full authority and responsibility of parliament. In recent years there has been a return on far too wide a scale to what we know as the Henry VIII clause.

I submit, Mr. Speaker, that this is something that should not be before us now because whatever may be thought necessary in the form of ordinary administrative legislation we certainly should not limit the rights of the individual in this way. The arguments that were put forward by the Prime Minister (Mr. St. Laurent) in support of the method of screening civil servants, to which we so strongly object, did at least relate to the employment of civil servants who are under the authority of the government. Unsound though we consider the argument presented on that occasion, that argument cannot be put forward in support of the present situation because these men are not employees of the government of Canada.

The parliamentary assistant to the minister has said that this provision was worked out following consultation with the United States authorities and that it parallels the United States security provisions. Without any reflection upon the United States or the United States government, and retaining the great admiration I have for the government and the people of that country for many of the excellent things they have done, the way that the government of the United States acts in relation to security is not something that I want to see repeated here in Canada in any form. That is not a guide for us today. The methods by which they are dealing with security, by television, by radio and through the press, are something that it would be wise for us to regard as an example of that which we should not do rather than as an example to follow.

However, there is one reason why perhaps security measures on their side might be satisfactory and yet not be satisfactory for us. It must be remembered that under the rules of the congress of the United States there are wide-open committee inquiries which make it possible for the representatives of the people to find out what has been done on any occasion with respect to any individual in a case of this kind. We may or may not like that method. At least it brings the matter out into the open. This loose method, which we do not regard as satisfactory in relation to employees of the government, is much more unsatisfactory in relation to other employees.

One of the provisions in this measure is that the governor in council, which is the government, may make such regulations as are considered necessary or desirable in the