

Navigable Waters Protection Act

unconsciously here they are asking for just a little bit more power, namely the power to write a special criminal code that shall apply to a special group of people, namely the Canadian seamen employed on the great lakes.

I think that is asking too much of this house. If there are prevailing special conditions requiring special regulations, for the breach of which penalties of \$500 or three months' imprisonment must be applied, then let us know what they are and let us have them incorporated into legislation or into the Criminal Code; but let us not give to the government any blanket order to make any regulations they like and to have those who violate those regulations subjected to imprisonment for three months or a fine of \$500 for breach of some regulation about which the House of Commons has no knowledge.

Hon. Stuart S. Garson (Minister of Justice): Mr. Speaker, I did not intend to take part in this debate but when I perceive a number of my hon. friends on the opposition side taking a position which, I must confess, I myself would take if I entertained what I must regard as the wrong impression of this legislation which they appear to entertain, I think I should try to distinguish between the principle which they think is involved in this legislation and the principle which is actually involved. They have all said that in the Criminal Code we should provide for the security of our country—

Mr. MacInnis: We have done so.

Mr. Garson:—by making a crime those actions which would endanger the security of Canada. With that statement I think no person will disagree. But those hon. members who were on the Criminal Code committee will recall that, as was said by the hon. member for York South (Mr. Noseworthy), we already have all of these crimes fairly carefully covered in the Criminal Code. Indeed, the very crime which this present bill is designed to protect against is covered under the sabotage section, namely, section 509A of the present code. However, I think the point which my hon. friends overlook is this. Where we have a canal system such as we have on the great lakes, the wrecking of which would tie up an enormous amount of shipping which is absolutely vital to our economic welfare, it would be of extremely small comfort to the Canadian people to know that the man who got on the ship and placed there a bomb which would blow up any of these canals could

[Mr. Noseworthy.]

be then convicted and sent to prison under the section of the Criminal Code prohibiting his crime.

Surely some confusion of thought has arisen here. I believe that this idea that when this matter is covered by the Criminal Code, the idea that we can pass that section of the Criminal Code and say: "Thank goodness we have taken care of the situation", is quite an erroneous one. What we are attempting to do in the present bill and in the seamen's regulations which were passed pursuant to the Emergency Powers Act is not, as is done in the Criminal Code, to make it a crime to do a certain thing and then, after it is done, to punish the person who is guilty of doing it. What we are endeavouring to do here is to prevent a crime from taking place by taking just some elementary precautions to see to it that that small fraction of Canadian seamen who might likely commit an act of sabotage on the great lakes are denied access to a position in which they could commit an act of sabotage.

I will agree that the powers here are rather extraordinary and that, if they were handled in an arbitrary manner, abuses could result. But when the Minister of Labour (Mr. Gregg) this morning told us that in respect of approximately 30,500 applications for seamen's cards which had been received under those regulations, less than two dozen had been rejected, I think that any Canadian with any sense of proportion at all will find it hard to believe that out of some 30,000 odd applicants for seamen's cards, the denial to less than two dozen Canadians of access to key points on our canal system is a fairly small price to pay for the protection of the greatest internal shipping route in Canada.

I do not think there is any member of this house who does not know as a most simple fact that if the Welland canal, for example, were put out of operation for any considerable period of time, the economic loss to this country would be almost incalculable. Surely to goodness it is not unreasonable that we should ask for precautions to be taken under which, out of some 30,000 applicants, less than two dozen seamen are denied access to a position in which sabotage might be committed by them. If this government did not take a step so simple and so elementary as that, I think that it would be deserving of condemnation.

It therefore seems quite idle to argue that there is involved here the idea that we have discharged our responsibility to the Canadian people by prohibiting sabotage, as we did in the Criminal Code, and by saying "Thank