

*Navigable Waters Protection Act*

governor in council who is given wide-open authority to make regulations which will affect the daily life of the individual who works on the ships in our great lakes. If this power was objectionable in the form of an order in council under a statute, it is many times as objectionable in the form of a statute which would specifically confer these wide powers by the authority of parliament.

For years we argued against the continuance of the Emergency Powers Act. Finally, under the pressure of our continued insistence, that act was allowed to drop. We welcome, even at this late date, the abandonment of a measure that was, in our opinion, undemocratic at any time and was certainly utterly undemocratic at a time when the reasons which had been used to support its original enactment had substantially disappeared. We are now asked to confer upon the governor in council—which means the government—the power to make such regulations as are considered necessary or desirable in the interests of the safety or security of Canada respecting the employment of seamen on board Canadian ships in the great lakes. Subject to certain limitations the governor in council—or the government in fact—may then impose penalties not exceeding a fine of \$500 or imprisonment for a term of three months or both fine and imprisonment.

Mr. Speaker, we have had a number of discussions with regard to the unsatisfactory situation which arises in connection with steps taken in relation to what is described as security, where the basis upon which those security provisions which will be in force is not fully stated to parliament and is not declared in clear statutory form. The parliamentary assistant to the minister just made a statement which I would impress upon all hon. members in dealing with this subject. He indicated that this legislation would permit appropriate steps to be taken to prevent the presence on Canadian ships in the great lakes of those who have been found to be undesirable security risks. May I emphasize and re-emphasize those words: To prevent the presence on Canadian ships in the great lakes of those who have been found to be undesirable security risks. Mr. Speaker, by what test have they been found to be undesirable security risks? By whom have they been found to be undesirable security risks? Is it because they are communists? Is it because they are associated with communists? Or is it for some other reason which has not yet been mentioned?

Most certainly this parliament should not by statutory authority confer power of that kind upon the government now or at any

[Mr. Drew.]

other time where we are not actually confronted with the immediate and dreadful necessities of war which limit the time within which parliament can deal with problems of this kind. The one excuse that can ever be offered in wartime, or in a state of apprehended war, or in the period immediately following a war, for limiting the rights of the individual, under our traditions and laws, is that the impact of war or the threat of war limits the opportunity to offer to the individual those ordinary rights which we should so jealously preserve. Then there may also be questions of secrecy involved, but they certainly do not apply at a time when we are living as close to normal as most of us will live for the rest of our lives. Unless we are prepared to concede that we are never going to return to real democracy in Canada, now is the time to get back to the principles of democracy because we are as close to normal as we are likely to be within our lifetime.

This section makes it possible for the government to deal with the rights of the individual according to its own concept of what is good for the safety of Canada. Throughout the history of our democratic system, Mr. Speaker, it has been the purpose of the parliaments which have followed our traditions not to leave the safety of the individual to the whim of any government, no matter how highly we may regard their personal desires to be fair, honest and just. We recognize the fact that human beings, under stress, are likely to do things that do not conform to the strict tenets of our democratic standards of justice and freedom. We have therefore insisted upon the supremacy of parliament to pass laws and upon the rule of law which says that no man shall be imprisoned or limited in his rights except by a law which defines his position in society and the offence for which he is to be haled before the courts.

This section leaves the matter wide open. No matter how much any one of us may dislike communism or no matter how much we may hate it, we should not go to this length. No matter how much I may hate communism, as I do, I am not prepared to entrust this or any other government with the decision as to what constitutes communism when this government has said that it cannot define communism. It says that it cannot define communism or communist activities for the purpose of the Criminal Code. It says that any attempt to do so might be entering the field of political thought and political freedom. May I say this, Mr. Speaker. If the government cannot define communism for that purpose, it should not be entrusted with the power to say what communism is when