

Navigable Waters Protection Act

Mr. Knowles: Would the minister permit a question on that point?

Mr. Garson: Yes, certainly.

Mr. Knowles: He has indicated what is the government's intention, but is it not true that the wording of clause 34 would permit the government to go further and bring in another set of regulations on this subject?

Mr. Garson: Yes, that is right.

Mr. Knowles: It might be a convenience later on.

Mr. Garson: Well, suppose we did that, how would parliament stand in relation to that action? My hon. friend will recall that we have on our law books now the provision that orders in council must be put on the table within a certain period of time, unless we pass a secret order in council and in that event we would have to pass a second order in council making the first order in council secret, and we must table that second order in council. Therefore, my friend would know about the existence of the order in council which was secret; and if there is any substantial variation all that the opposition have to do to protect the interests of their constituents is to be sufficiently diligent to pick up the order in council, peruse it, and then if they think there is anything wrong with it there is nothing in the rules of parliament to prevent them raising that question at the next available opportunity.

Mr. Diefenbaker: And then what?

Mr. Garson: My hon. friends laugh about that, but they can raise this question and by so doing they can inform public opinion upon it. If they cannot get a resolution of condemnation through parliament that is not because of the fact that they have no opportunity of doing so. That is by reason of the fact that the people of Canada at the last general election did not have sufficient confidence in them to give them a majority in this house.

In view of these facts, Mr. Chairman, it seems to me that there is no justification for all this facade of argument about parliament being by-passed and the members being given no opportunity of examining the government's position or of criticizing it or for the contention that we are creating in secret a number of a great new series of terrible offences that cannot be tried before the courts. In this regard what is my friend the Leader of the Opposition talking about? How does he suppose a conviction can be obtained in the courts unless the crown prosecutes in the court? That is the only place in which a conviction under this order in

council could be obtained. May I also say, Mr. Chairman, that I am happy to report that up until the present time there has never been any necessity for having any prosecution at all under this order in council.

Mr. Diefenbaker: Mr. Chairman, the latter part of my hon. friend's discussion on the course that should be followed by parliament, namely that of bringing the question before the house and asking for an adverse vote of the house, was too much even for him because he himself answered it by saying that there would be no hope of getting any change by following that course.

I just rise for the purpose of securing a little bit of information. I should like to find out from the Minister of Labour what are the indicia that determine the propensity of these individuals who are to be considered capable of committing crimes as yet uncommitted? Upon what basis does the minister operate in determining the intended commission of crime or the potential commission of wrongdoing or the propensity to do so? I should like him to deal with that point. If he would clarify that matter, I think most of our difficulties would be removed.

In the second place I should like to ask him this question. There are some 30—I believe that is the number he mentioned—who have been found to possess that propensity. They have not committed any offence. However, it is in order to anticipate and to guard against the possibility of the commission of an offence that they have been denied certificates. Their fingerprints are taken. They are found—first by the investigators and then confirmed by the minister—to be dangerous people. Would such people be allowed to leave the great lakes and to secure employment on ships operating between, say, Newfoundland and Halifax or between Victoria and Vancouver? Or is it considered that the propensity to commit wrong is purely circumscribed territorially? I should like to have the Minister of Labour explain that situation because if he were able to do so, I think he would clarify the whole situation.

Mr. Gregg: Mr. Chairman, in reply to the second question, I should like to refer to what is evident here, namely, that on any point affecting the applicants' legal status afterwards or spheres of possible sabotage I am certainly not in a position to answer because on behalf of the government I have just been acting under these particular regulations.

As to the first question asked, namely, what were the factors which caused the Minister of Labour to refuse to issue a permanent seaman's card—I think that was the question—the factors which entered into that decision