

Navigable Waters Protection Act

the statute having to do with the provisions which are applicable to all the people of Canada, and not by way of an addendum or appendix to a bill in which it forms a most unnatural part.

What is going to be the result of this sort of situation? Are we to suggest that it is more essential or more desirable that seamen should be loyal and should be qualified, from the point of view of security, more on the great lakes than in any other port in Canada? Are the seamen working on the boats plying between Vancouver and Victoria in a less strategic position to do damage to Canada than those on the great lakes? Of course, the consideration given to these men is exactly the same, but because there is no general law defining what is meant by offences of this type there is to be this excrescence, in the technical meaning of that word, on the Navigable Waters Protection Act.

What is going to follow is that we will have to have a number of individual statutes covering a number of individual cases whenever security is felt to be of importance in employment of this type. Therefore, that is one other illustration of the desirability of getting this thing out of statutes of this sort and having it covered by general enactments so that all the people of Canada know where they stand.

I feel it may be interesting and proper to observe that in this case, Mr. Speaker, under the regulations which were enacted under the Emergency Powers Act on May 2, 1952, there is provision for a method of appeal by a person who feels himself aggrieved as a result of a decision by the minister. I make that remark in passing because I think it is interesting in the light of the recent discussion we had here when it was held that there could be no possibility of an appeal procedure.

But, sir, that is merely an observation in passing, and I think that the important thing for the House of Commons to bear in mind in this case is the principle involved.

It is certainly important that those engaged in navigation in Canada should be loyal and should not have communist sympathies. But while it is desirable to ensure that, I think this House of Commons has to ask itself the question whether it is proper to give the governor in council authority to lay down standards of security and standards of loyalty which are not communicated to the people as a whole, and in effect, provide for a crime by regulation instead of under the Criminal Code or some general statutes.

I am convinced that it is possible to do it in the other way and that this constitutes

a breach of the principles of democracy. I therefore have no alternative but to vote against the bill on second reading for these reasons, as well as for those given by the Leader of the Opposition (Mr. Drew) and the hon. member for Vancouver-Kingsway (Mr. MacInnis).

Mr. J. W. Noseworthy (York South): Mr. Speaker, I am in full agreement with the previous speakers regarding their opposition to section 4 of this bill. The two houses of parliament have spent a total period of some three or four years revising the Criminal Code. There is included in that code just about every possible offence the Minister of Justice (Mr. Garson) and his department could think of over that period of years.

The Criminal Code is supposed to provide for the safety and security of Canada in so far as all citizens are concerned. But what the government is asking for in this legislation is the privilege of writing a special criminal code to apply to seamen on the great lakes.

It is quite possible that the prevailing conditions of employment for seamen on the great lakes may differ somewhat from the conditions of employment pertaining to employees in other fields, but surely it would be more democratic, if such a difference exists, to have these special offences written into the legislation so that all may know what these offences are for which a penalty up to \$500 or three months' imprisonment can be imposed.

The government here is asking not only for the incorporation into legislation of orders in council which have been passed pertaining to the employment of seamen, but also for a blanket order to make any regulations, including those which were made under the Emergency Powers Act, for the next three years covering the employment of seamen on the great lakes.

We in this house all agree that democratic freedom should not extend to the point of giving to the enemies of democracy the freedom to destroy democracy itself. On the other hand, if in our defence of democracy we adopt the techniques of the dictators—and that is what the government is doing in asking for this power and it is what parliament will be doing in granting the government the power for which they ask under this legislation—there is a danger that we shall undermine the whole spirit of democracy. As a result of its long tenure of office and as a result of its overwhelming majority in parliament, it would seem to me that this government has gradually, bit by bit, taken unto itself more and more power. Perhaps