

Canadian Forces Act

is generally with regard to age. People state their age as being less than it is or more than it is in order to be enrolled. Is there some other sort of information which the present clause is not able to deal with and to provide punishment for offences?

Mr. Campney: This amendment is designed to provide for a case where a candidate for enrolment submits a false certificate of qualification as to trade or profession, or some document that purports to qualify him in some branch of professional life, and where such document proves to be false. I think the act, as it is drafted, without this slight amendment, would not cover that case.

Mr. Dinsdale: I notice that paragraph (b) of section 112 states: Every person who knowingly...

(b) furnishes any false information or false document in relation to his enrolment, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Very often this situation results from falsification of age and so forth. What sort of punishment is handed out in the case of a false statement with regard to age or false documentation with regard to age?

Mr. Campney: I would think that the punishment should fit the crime. If it were a minor thing, the punishment would be light. If it were a major matter, such as something touching the root of his attempt to join the forces, it would be more severe. I might point out that this amendment applies only to a person who knowingly makes a false certificate. It is not wide open. It is applicable only if he deliberately and knowingly presents a certificate which service authorities would have a right to rely on, in considering whether he should or should not be accepted.

Mr. Dinsdale: In that case he might be liable to two years' imprisonment?

Mr. Campney: That would take care of the worst case, where the circumstances were very serious and it would run from there to any lesser punishment that the presiding judge would think suitable for the offence.

Clause agreed to.

On clause 12—*Conspiracy*.

Mr. Harkness: It seems to me that this clause is going to make liable to quite a heavy term of imprisonment, namely seven years, people who have committed really very minor offences. The old section said "conspires with any person to commit any indictable offence". That phrase is removed and the clause we are now being asked to pass just says "conspires with any other person... to commit an

offence under the code of service discipline". It might be simply that two or three people get together in order to cover up the absence without leave of another member of the unit, or something along that line. That is the sort of thing which frequently happens. Nevertheless, although that is a comparatively minor offence, a person would still be subject to this seven years' imprisonment. It seems to me that it might have been wiser to leave the provision in the form in which it was, rather than to make such minor things as getting a few extra rations out of the cook-house, or a new overcoat, matters of conspiracy. Then, a man would come under this particular section.

Mr. Campney: May I correct the hon. member. The reference he made was not to the old act but to the Criminal Code. Under our code of service discipline there are no indictable offences. What this clause seeks to do is to parallel the Criminal Code. It would make the punishment as in parallel offences under the Criminal Code run from seven years down.

Mr. Harkness: The point is that the Criminal Code always applied to members of the armed forces, so you could try a man by court-martial for any infringement of the Criminal Code. While this section was part of the Criminal Code, it was still part of the code of service discipline and a man could be tried under that section for conspiracy.

Mr. Campney: But that applied only to a man conspiring to commit a civil offence. This section as it applies to the armed services extends the law to cover conspiracies to commit service offences.

Mr. Harkness: The point is that this provision of the Criminal Code is still going to be applicable. The passing of this new provision which we have in clause 12 is not going to remove this section of the Criminal Code dealing with conspiracy. It will still be an offence for which a man may be tried. In other words, you are going to have two types of conspiracy, so far as the services are concerned, for which a man might be tried.

Mr. Campney: This section, as I said, is only inserted in the bill for the purpose of dealing with conspiracies to commit service offences. The Criminal Code is not being ousted, because it deals with civilian offences. I do not think there is any clash as between the two.

Clause agreed to.

Clauses 13 and 14 agreed to.

On clause 15—*Restitution of property in case of conviction*.