

*Criminal Code*

**Mr. Roberge:** But the bill does not say whether the pilot is a Canadian citizen or a foreign citizen.

**Mr. Fulton:** No, that is true, but the aircraft requires to be registered in Canada before the pilot has this authority. His authority is that of a peace officer, and all he has is the authority of arrest. I suggest that if any Canadian citizen wishes to board an aircraft registered in Canada, then he must be prepared to submit himself to the authority of the pilot with respect to events taking place on that aircraft. The pilot has no power to try or dispose of the case; his only authority is that of arrest for an offence. I see nothing derogatory of Canadian sovereignty. If a Canadian voluntarily boards an aircraft which is registered in Canada, then he submits himself to the authority of the pilot of that aircraft, only with respect to events taking place on that aircraft and only with respect to the power of arrest and not the power of disposing of the case.

**Mr. Roberge:** I agree with that, Mr. Chairman. The pilot, whether or not he is a Canadian, has no power to try the offender but just the power of arrest. The point about which I am concerned, and that is why I am putting all these cases before the committee, is that our legislation as proposed is going to give a non-Canadian the power of arrest of a Canadian aboard not only a Canadian aircraft but any aircraft.

**Mr. Fortin:** What is wrong with that?

**Mr. Fulton:** My hon. friend should recall also that the law of the sea, which is accepted by all nations, gives the skipper of a vessel the immediate power of arrest and confinement over any passenger on his ship. With respect to aircraft, therefore, we are not doing anything more than is done now in connection with the law of the sea, but we are confining this power to aircraft registered in Canada.

**Mr. Roberge:** I should like to put some more of these cases before the committee, and these cases are non-Canadian. I should like to do so in French.

*(Translation):*

Mr. Chairman, the case I want to point out now concerns particularly a non-Canadian citizen leaving Canada aboard a Canadian aircraft flown by a Canadian pilot. If this Canadian citizen should commit an offence, he might be put under arrest but he cannot be brought before the court for trial because he is outside Canada, unless the minister tells us that the international regulations provide that the alleged criminal may be kept under custody aboard the aircraft, near the aircraft

or in the air terminal of the country he is visiting.

**Mr. Fortin:** It is exactly the same thing as under the maritime law.

**Mr. Pigeon:** I do not think he is a competent lawyer.

**Mr. Roberge:** The tenth case concerns a non-Canadian citizen flying from Canada aboard a Canadian aircraft which is under the command of a foreign pilot. That citizen may commit an offence and the Minister of Justice just told me that the foreign pilot would be authorized to put that non-Canadian citizen under arrest. However, I do not think any trial would be possible since the aircraft will land in a foreign country, unless the minister informs the committee that under certain international agreements that citizen who committed the offence may be taken into custody and brought back to Canada or be tried in a country other than that where the offence was committed.

Then there is the eleventh case—I urge the hon. members to be patient, I have 16 of these cases, and I have reached the eleventh. There are 5 left and I realize that we have 5 more minutes to go yet.

**Mr. Fulton:** Hurry up! What are the other five?

*(Text):*

**Mr. Roberge:** I am sure that the minister will be very interested to know, and I would like to go on.

*(Translation):*

The 11th case has to do with a non-Canadian citizen aboard a Canadian aircraft coming to Canada and piloted by a Canadian pilot. If an offence is committed, the pilot will have the power to arrest the offender and the trial might take place, because the aircraft is coming to Canada. In such a case there is no problem.

The 12th case is somewhat different; but the minister has just told us that the foreign pilot will have the powers of a peace officer. An offence is committed by a non-Canadian citizen aboard a Canadian aircraft coming to Canada under a foreign pilot. In such a case, an arrest could be made and a trial could take place in Canada.

The 13th case is a little different—

**An hon. Member:** That of Montreal-St. Denis.

**Mr. Roberge:** It concerns a non-Canadian citizen aboard an aircraft which is not registered in Canada, but which leaves Canada for a foreign country, under a Canadian pilot. There is no offence there, but if it were a Canadian or a non-Canadian violating the provisions of the Criminal Code, there would be an offence—

**Mr. Fortin:** It is a foreign aircraft.