

Criminal Code

The second case refers to a Canadian citizen on board a Canadian aircraft, flying from Canada, but piloted—and the case may occur—by a non-Canadian pilot. Unless this proposed legislation, makes of a non-Canadian pilot an officer of the peace, that pilot will not be able to arrest the Canadian citizen, i.e. the Canadian passenger who is on board and who is committing an offence against the Criminal Code. Then, an offence is committed, but the pilot may not have the culprit arrested except, as I said, if he is an officer of the peace. And as he starts in Canada to go elsewhere, he cannot be brought to court either.

In the third case, which is perhaps the same as that of my friend from Joliette-L'Assomption-Montcalm, he is, no doubt, a Canadian citizen who may be a passenger on a Canadian aircraft. The passenger starts from Europe or elsewhere to come back to this country and the plane will have a Canadian pilot. If the passenger commits some offence—I think he will not do so, but I am told that he possibly may, I don't know—but if he were to commit some offence, he could be arrested, because the pilot would be a Canadian and peace officer. He also may be indicted because he would land in Canada.

Then, there is the fourth case, that of a Canadian citizen on a Canadian aircraft coming to Canada, but piloted by a non-Canadian. In that case, the pilot, not being a Canadian, cannot, I imagine, be a peace officer because Canada probably is not authorized to name anyone a peace officer who is not a Canadian citizen.

So an offence will be committed; there will be no way of arresting the accused, yet a trial may be held. How can such a thing happen? I think the Minister of Justice should give us an explanation on this point.

Turning to the fifth case—bear with me, Mr. Chairman, I have 16—this involves a Canadian citizen travelling on an aircraft not registered in Canada—"any aircraft", it says, from any country other than Canada—and flying out of Canada with a Canadian pilot in charge. Such a situation can arise, because during the war, Canadian flyers were seen piloting British or other foreign planes. Such pilots had not yet been naturalized in the countries concerned; they still retained their Canadian citizenship.

Consequently, according to the bill now introduced and following the study I made of it, there would not be any offence and, of course, the Canadian pilot would not be empowered to arrest a person who for in-

stance would make an assault against another passenger. Moreover, there could not be any judicial proceedings.

The sixth case I want to bring to the attention of the house is perhaps a bit similar. There again, it has to do with a Canadian citizen who is travelling aboard an aircraft which is not of Canadian registry but which would be, this time, flown by a pilot who is not a Canadian citizen. Then there would not be any offence, since this airplane leaves this country for another country, and the pilot, not being a Canadian citizen, would not be empowered to arrest the individual who would commit an offence. Consequently, there would not be any trial either.

The seventh case has to do with a Canadian citizen who is traveling aboard a Canadian aircraft on its way to Canada. Sub-clause (b), of section 5a, provides for a similar case but the airplane is flown by a Canadian pilot. Then, there would be an offence; the Canadian pilot being a peace officer, could arrest the delinquent and, being in Canada, a trial could be held of course—under the new section—where the plane landed. And for the information of the hon. member for Montmagny-L'Islet (Mr. Fortin) paragraph 4 of section 5a provides that the plane is stopped when it stops.

Mr. Chairman, the eighth case on which I want to bring the attention of the house concerns a Canadian citizen—I know that the hon. member for Montmagny-L'Islet is never able to stop—

An hon. Member: It is like the hon. member for Joliette-L'Assomption-Montcalm.

Mr. Roberge: Mr. Chairman I have at least up to ten o'clock.

Mr. Fulton: Mr. Chairman, perhaps the hon. member will allow me to answer him immediately, because I am sure he has forgotten the main point, namely that the pilot must be in charge of a Canadian registered aircraft. If the aircraft is not under Canadian registration, the pilot has no authority under the bill now before us.

(Text):

Mr. Roberge: Mr. Chairman, if I look at clause 2 of the bill—

An hon. Member: Look at clause 3.

Mr. Roberge: I shall look at clause 3 later, but clause 2 of the bill says that a pilot in command of an aircraft registered in Canada is a peace officer—

Mr. Fulton: He is the only one who has the power to arrest anyone on his aircraft.