

ADDITION TO MEMBERSHIP OF SUBCOM-
MITTEE TO HEAR APPEAL

Hon. Mr. Roebuck: With honourable Senator Connolly's permission, concerning the matters that I have just moved, I would like to take advantage of the occasion to announce that, in connection with the subcommittee of the Standing Committee on Divorce appointed to hear the evidence in regard to the private bill on the petition of one Mrs. Biega, the committee has added to that subcommittee Senator Hugessen and Senator Aseltine. The present committee, prior to the addition of these gentlemen, consisted of Senator Haig, Chairman, Senator Fergusson and Senator Gershaw; the subcommittee now includes the two additional names, making a committee of five.

VISITING FORCES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Leopold Langlois moved the second reading of Bill S-50, respecting the Armed Forces of Countries Visiting Canada.

He said: Honourable senators, the main purpose of the bill entitled the Visiting Forces Act is to repeal the Visiting Forces (North Atlantic Treaty) Act, the Visiting Forces (British Commonwealth) Act, and the Visiting Forces (United States of America) Act, and to replace them by one act which will prescribe the rights, privileges and duties of the armed forces of any other nation when in Canada.

For the information of honourable senators, I wish to add at this stage that the Visiting Forces (British Commonwealth) Act was enacted in 1932, as a result of the Statute of Westminster. It provides for the privileges, immunities and duties of British forces from other parts of the Commonwealth when in Canada. Reciprocal legislation was enacted by other nations of the Commonwealth to provide for Canadian forces visiting those countries.

On the other hand, the Visiting Forces (United States of America) Act was enacted in 1947 to provide for the privileges, immunities and duties of United States forces in Canada. However, no reciprocal legislation was enacted in the United States, as under the law of that country a visiting force automatically carries with it rights to hold courts martial, administer discipline, etcetera.

The privileges and immunities granted by the Visiting Forces (British Commonwealth) Act and the Visiting Forces (United States of America) Act are not as extensive as those

granted by the Visiting Forces (North Atlantic Treaty) Act, and in fact since the latter act was enacted in 1951 the privileges and immunities of British and United States forces in Canada have been and still are governed by it.

The Visiting Forces (North Atlantic Treaty) Act was enacted primarily to implement Canada's obligations under the "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces," commonly referred to as the NATO Agreement. The act was so framed, however, that its provisions could be extended to such non-NATO countries as might be designated as "Associated States" by the Governor in Council. It is considered that it is not desirable to have the privileges and immunities of friendly visiting forces of non-NATO states in Canada governed by an act, the name and terms of which appear to apply only to members of NATO. It is therefore proposed that this act be repealed and replaced by the new act.

The new act is in effect a revision of the Visiting Forces (North Atlantic Treaty) Act, omitting therefrom, however, all references to the North Atlantic Treaty. The only portions of the Visiting Forces (British Commonwealth) Act that have been used in recent years are the provisions relating to the mutual attachment of personnel and to forces serving together and acting in combination. These provisions have been inserted in the new act under section 27 thereof.

There are certain provisions in the Visiting Forces (NATO) Act that are not entirely satisfactory or do not comply completely with the NATO Status of Forces Agreement. The opportunity has been taken to correct these unsatisfactory provisions in the new act.

Honourable senators, as I have said, the Visiting Forces Act, 1966, would in effect be a re-enactment of the Visiting Forces (North Atlantic Treaty) Act but with the following significant amendments.

All references to the North Atlantic Treaty are deleted from the act.

Part II of the act deals with the disciplinary jurisdiction of visiting forces. As presently framed, it does not give a visiting force jurisdiction over the dependants of its members and in this sense does not fully implement the NATO Agreement. The proposed amendments would extend the provisions of this part to dependents accompanying a visiting force.

The only other important amendment to Part II would be to section 13, which now gives authority to members of a visiting force