

Canadian Forces Act

Mr. MacLean: Mr. Chairman, I have two or three questions I would like to put to the minister and perhaps I can put them all at once. First, I am thinking of the case of personnel attached to the services in Canada who are not dependents. I have in mind, for example, personnel who might be attached to the services from the national research council, or the defence research board, or organizations of that sort. What is their position?

My second question is this. Would the minister be good enough to make a statement indicating the position of personnel and their dependents who might be attached to the American forces stationed at bases in Newfoundland? As the minister knows, these bases in Newfoundland were granted to the United States forces before Newfoundland entered confederation. Have we the same jurisdiction there as we would have at any other station in Canada?

My third question is this. Is there still a distinction between types of courts-martial? I notice, for example, that the bill specifies general court-martial in every case. I am wondering why that is necessary. If there are still district courts-martial why could they not deal with minor offences committed by dependents?

Mr. Campney: In answer to the hon. gentleman's first question, I would say that the act does not apply to dependents in Canada under any circumstances.

Mr. MacLean: No, not dependents; I understand that.

Mr. Campney: As regards the second question dealing with Canadians attached to American forces in Newfoundland, they would be subject to Canadian law and would be tried under Canadian law.

As regards courts-martial, there are two types. The first, known as disciplinary courts-martial, deal with lesser offences to which this section would not be applied, and the second, known as general courts-martial, deal with serious offences.

Mr. MacLean: In connection with paragraph (a), I understand that civilian personnel attached to Canadian forces may or may not be in Canada. I am not referring to dependents but employees attached to the forces.

Mr. Campney: I think the short answer to that would be that, where circumstances permit, such persons would always be tried under Canadian civil law.

Mr. Harkness: Mr. Chairman, I suppose the only practical experience any of us here have had of dependents accompanying the forces

was in England during the last war when the wives of men serving in the forces stationed in England generally took houses in places where their husbands were stationed. These people were all dealt with under British civil law whenever any offences were committed. But what will be the situation of, for example, our air force squadrons stationed in Great Britain at the present time once this act is passed? Will it mean that in places such as Great Britain these dependents will then come under military law rather than British civil law, with of course its right to jury trial, and so forth, which they would lose if they came under military law?

Mr. Campney: Generally speaking this procedure depends on the sympathetic consideration of the other nation concerned and its agreement to grant us jurisdiction. Speaking for myself, I would not think it likely that in Great Britain, from whom we have inherited our jurisprudence, we would ask permission to put this clause in operation. As I understand it, this procedure is not set up for the purpose of acquiring jurisdiction generally but, rather, so that we can acquire it in countries where we believe, in the interests and for the protection of our own people, we should have it.

Mr. Harkness: The point I was getting at is this. Once this act is passed does it become the universal rule? I understand from what the minister has said that in Great Britain this would not be applied and dependents of servicemen would continue to be tried in the ordinary civil courts. I suppose the same would be true in places such as New Zealand and Australia and so on. But I am not quite clear from the minister's remarks whether that is going to be the case generally. I believe it is preferable that these dependents should be tried in civil courts in such places. But I am not quite clear whether, if this act is passed, it will be obligatory that they be tried before a military court.

Mr. Campney: It would not be obligatory at all. It would be necessary for us to seek jurisdiction and have an agreement to that effect, but it is likely that such jurisdiction would not be sought in the circumstances mentioned by the hon. member because of the basic similarity of our systems.

Mr. White (Hastings-Frontenac): I would like to point out to the minister that in clause 10 it states:

. . . that dependents who are subject to the code of service discipline must be tried . . .

That would appear to contradict what the minister just said.

Mr. Campney: That wording means that if a dependent is going to be tried by military