

Criminal Code

might be adopted by all the countries which are subscribers to that organization. If these recommendations are accepted then there will be uniform measures in all the countries which subscribe, but in the meantime there is a gap in our legislation. It is to plug that gap on a unilateral basis, it is admitted, but none the less to plug a gap which we feel might be a serious one that we are acting now unilaterally in accordance with these suggested amendments.

Mr. Roberge: I should like to address myself to clause 2. As the minister has said, clause 3 is related to this matter also.

The Acting Chairman (Mr. McCleave): Perhaps it would be convenient if clauses 2 and 3 were called together.

Mr. Roberge: I was going to suggest that.

Some hon. Members: Agreed.

On clause 3—*Offences committed on aircraft.*

Mr. Roberge: Mr. Chairman, I know you will not mind if I speak in French. I have been speaking English for the last three weeks.

Mr. Denis: You do not have to ask permission.

(Translation):

Mr. Roberge: Under section 2 of this bill, the intention is to add a new sub-paragraph, sub-paragraph (e), which would give the powers of a peace officer to a pilot flying an aircraft of Canadian registry according to the regulations made under the aeronautics Act, when the plane is in flight.

Now a problem arises,—I think the minister has perhaps answered this question in part: is the pilot in question a Canadian citizen or a foreigner? It is possible that an airplane of Canadian registry be flown by an airman who is not a Canadian citizen? It can also happen that a non-Canadian airplane be flown by an airman who is a Canadian citizen or a foreigner.

I shall now go on to section 3 of this bill. I find that offences or infringements of the Criminal Code may be committed by everyone who violates the provisions of the Criminal Code on an aircraft registered in Canada under the regulations, . . . while the aircraft is in flight, and according to subsection (b) of section 5a, on any aircraft, while the aircraft is in flight, and this flight is to be terminated in Canada. If that person commits a criminal offence listed in the present Criminal Code—and I understand that by this new section 5a the territorial jurisdiction of magistrates or justices of

peace, or of judges of the sessions of the peace is to be extended—the new provisions will apply.

I tried to sum up the two sections in a few words and found one possibility, or rather 16 possibilities, according to whether it is a Canadian aircraft starting in Canada to go elsewhere, or a Canadian aircraft starting elsewhere to come to Canada; or whether it is a non-Canadian aircraft flying from Canada to go elsewhere; or else a non-Canadian aircraft flying from elsewhere to come here; or whether it is the case of a Canadian citizen on board such an aircraft; or else a foreign aircraft coming over here or going elsewhere.

Therefore, I have discovered 16 possibilities. Those possibilities differ depending on whether the pilot is a Canadian or not. Now, I believe, that those various cases which I have just submitted to the committee are so much different cases, and several of those are not provided under this legislation. It may be, however, that those various cases are provided under international agreements, under the international aviation rules, but there is nothing in the bill to say so.

The first case that occurs to me—and I am still referring to clauses 2 and 3 under discussion—involves a Canadian citizen who boards a Canadian aircraft flying out of Canada and is piloted by a Canadian. If he commits an offence, he is subject to arrest because the pilot is a Canadian and it is a Canadian aircraft. However, where can he be brought to court? Here we have a Canadian in a Canadian craft, piloted by a Canadian, flying to a foreign land; he commits an offence on the plane. Will he be held in the foreign airport? Will he be held in custody inside the aircraft upon arrival in the foreign port? Will he be brought back to Canada, or will he be allowed to escape into this foreign country and seek asylum?

There is the second case—I hope the committee will bear with me, because I have 16—

Mr. Fortin: We will make a special code for that, it is worth the trouble.

Mr. Roberge: If the hon. member for Montmagny-L'Islet (Mr. Fortin) wants to have a special case, he might perhaps go to Montmagny-L'Islet where special elections are being held.

I understand that this bill—I shall get away from the subject matter, because I know I can talk law without the hon. member for Joliette-L'Assomption-Montcalm understanding a word. But when the hon. member for Joliette-L'Assomption-Montcalm talks tobacco, I keep mum.