

National Defence

I repeat now that we will give our most wholehearted co-operation in trying to help the minister produce the very best possible legislation to meet the circumstances. When we were at the resolution stage I did suggest that since the hour was late when that discussion took place, we should be given the opportunity to have a full discussion, if that were required, on the motion for second reading, and to that suggestion the minister gave his consent.

Before making some reference to the bill itself I should like to join the minister in extending my congratulations, and perhaps to a certain extent my sympathy, to the judge advocate general who is retiring this week after so many years of service. I know that when one has spent the greater part of a lifetime in the service it comes as a bit of a wrench to enter different fields in civilian life. I do not know whether the judge advocate general has any intention of following in my footsteps and perhaps entering public life in any sphere, but I am sure all hon. members will wish him every success and all happiness.

As the minister said, to a large extent this legislation is a consolidation of various existing acts. It is designed to bring about unification between the services, unification in the administration of the services, and also to establish a distinctly Canadian code of discipline which as far as practical may be uniform in the different services. As the minister has pointed out, at the present time the three services are administered under separate acts, the Militia Act of 1927, the Naval Service Act of 1944, and the Royal Canadian Air Force Act of 1940. I do appreciate the tremendous task with which those who drew up this bill were faced in order to bring together all that legislation into one measure.

This bill has been divided into thirteen parts, but generally speaking it consists of three divisions. The first deals with organization, the second with the code of service discipline, and the third with general provisions such as aid to the civil power. A few moments ago the minister indicated that the bill contains some 251 clauses, which replace more than 600 clauses in these other acts. When this bill is sent to committee I do hope it will be appreciated that there may be sins of omission as well as sins of commission, and that after compressing so many sections into a comparatively limited number of clauses it is possible that something may have been left out. So I hope the committee will be permitted to consider the sections of the previous acts that have been left out, and not have its activity and discussion confined to

[Mr. Pearkes.]

the limited number of clauses in this bill. Before this bill is sent to committee I hope the minister will give us that assurance.

In dealing with the first part, covering organization, in the very beginning one comes across a clause which was in the old Militia Act but which, as far as I can see, is not in this new bill. I refer to section 4 of the Militia Act, which provides that the command in chief of the Canadian army is declared to continue and be vested in the king and shall be exercised and administered by His Majesty or by the governor general as his representative. I must confess to some surprise at finding this clause left out of the present bill. Oh, I know no one would expect His Majesty to take command of a cruiser, or to appear on parade and give an order to a troop of cavalry, but all soldiers, sailors and airmen are king's men, and they have valued the fact that His Majesty is their commander in chief.

Mr. Claxton: I quite agree. It was omitted because it is in section 15 of the British North America Act already, and we did not think we should repeat the same provision in this act.

Mr. Pearkes: Those things could be explained no doubt in committee, and that is why I am requesting that where these sections have been omitted we might have an opportunity of asking about them, and not be confined rigidly to the sections in this bill. I give that as an example of a section which has been omitted, and the reason for omitting it is not readily apparent to everybody.

There may also be a good reason for omitting section 8 of the old Militia Act, under which there was a definition of the obligation of service of the citizens of Canada. I know it is out of date because it refers to levy en masse, to enrolment by ballot, and so forth, but I am not sure it is wise to remove from this new act the obligation of service on the part of Canadians. It is quite obvious the obligation is recognized, because when the Secretary of State sends out letters of congratulation to new Canadians who have taken out their naturalization papers, he mentions the fact that one of the obligations is that of service in time of necessity. I shall quote from a letter which he sent to a Chinese resident of British Columbia, and I think it is a form letter. After extending congratulations upon receiving Canadian citizenship he says:

Your citizenship carries with it the obligation of defending your adopted country in time of need.

Perhaps that is another example of a place where an opportunity should be given to the committee to ascertain the reasons for the elimination of clauses pointing out to the