

Canadian Forces Act

to be supreme and have the power to supplant the jurisdiction of service courts and themselves to try persons accused of any offence against the criminal law of Canada.

This legislation is being introduced at the present time as it is important for the protection of dependents and other civilians accompanying the forces abroad that the extent to which they are subject to Canadian jurisdiction be clearly defined. In other words, we are trying to create the necessary machinery to exercise maximum jurisdiction under all existing agreements and laws that we can acquire to ourselves in regard to our people abroad.

The arrangements made by Canada with a number of the countries in which our forces are or may be stationed enable Canadian criminal law and procedures to be applied in respect of persons accompanying our forces as an alternative to having the criminal law and procedures of the country in which an alleged offence has been committed applied. In order to secure the benefits of these arrangements we must not only be in a position—I think this is the important fact about this clause—to exercise effective jurisdiction over such persons but it must also be clear to the authorities of the foreign country that we have and can exercise such jurisdiction. Clause 10 is designed to accomplish this.

Mr. Mitchell (London): Mr. Chairman, I want to thank the minister for the statement he has made. There are one or two things arising out of the statement on which I would like to have further clarification.

The first point that occurs to me is that we are primarily interested, not in the country or the inhabitants of the country in which our troops may be serving but in protecting our men and their dependents who are serving in that country. I ask the minister to consider whether or not it might be advisable to give a right of election as to the manner in which a service man or his dependents would be tried. By so doing we could ensure that our people who are suddenly thrust into a mode of living or a code of ethics which is foreign to them may be sure that the offence which they are alleged to have committed is looked upon as we would look on it here. That is the first point I would like the minister to elaborate.

The second is that having included the dependents of servicemen under our service code we must admit that the dependents in many cases will be women. Have the necessary arrangements been made so that dependents convicted of an offence may serve out whatever punishment may be meted out by our courts?

[Mr. Campney.]

The minister has indicated that we wish to retain control over our servicemen and their dependents, and that therefore it is highly desirable that wherever possible they be dealt with by our courts and subjected to punishment meted out by our courts. For that reason I would ask him to elaborate on the statement which he has made as to the manner in which these servicemen or their dependents will be dealt with when convicted.

Mr. Campney: Mr. Chairman, dealing with the first point raised by the hon. member, I do not think it would be practical to provide a right of election for each individual who may be dealt with under this section. Except in Germany where we have assumed jurisdiction under terms governing the occupation forces, but which probably will not continue after this year, these matters are handled in accordance with such international arrangement. We have arrived at the position where we feel they would be sympathetically dealt with by these nations. It is after all a matter between governments, and if you were to transfer the right of election of every individual I do not think that would be realistic or practical.

The second question related to the problem of how we would deal with dependents who had been convicted under this procedure. May I just interject that I do not think there would be any intention of using this procedure in regard to petty offences, such as traffic offences, and so on. It would only be used in serious offences, carrying a period of imprisonment or something of that nature. I think that in such cases I am right in assuming that persons so convicted would be brought to Canada to serve their sentence.

Mr. MacLean: In that connection I was wondering what provision is contemplated in the case of the dependents of a man, for example, who might be posted from one unit to another and from one area to another. One of these dependents may be more or less an habitual offender. The serviceman, whose dependent the offender is, might be posted to a new unit. In a case of that kind what record of previous offences would be available? In other words, has provision been made for a conduct sheet for dependents, or something of that nature?

Mr. Campney: In answer to that, I would simply reiterate what I said a moment ago, that this procedure would not be utilized in the case of minor offences. If it were a serious offence and the dependent were sent back to Canada the record for that person would of course be available.