

Criminal Code

On clause 1—*Magistrate.*

Mr. Eudes: Mr. Chairman, by provincial statute in the province of Quebec a recorder in most cases I believe is now termed a municipal judge and the recorder courts as municipal courts. I am wondering whether the definition proposed by this clause of this bill amending paragraph 22 of section 2 of the Criminal Code should not also include the words "municipal judge" in order to meet the effect of the proposed amendment. This would also include those who are given authority or jurisdiction under section 225 of the Criminal Code which is being amended by clause 16 of this bill.

Mr. Fulton: Mr. Chairman, I am not aware that there is any problem with respect to provincial judges. The amendment is designed to deal exclusively with the problem that arises in the Northwest Territories and the Yukon Territory. I do not think any problem of this nature has been brought to my attention with respect to provincial magistrates or judges.

Mr. Roberge: Mr. Chairman, if I read the clause aright it says that paragraph (22) of section 2 of the Criminal Code is repealed and the following substituted therefor. Line eight does have reference to a recorder. Right now in the province of Quebec there is no such thing as a recorder. Those who used to be known years ago as recorders are no longer recorders; they are municipal judges. Therefore I think the minister should take advantage of the repealing of the old section to include municipal judges.

Mr. Fulton: Mr. Chairman, on that point it may be that the word "recorder" is out of date. However, the only purpose of the amendment was to take care of a situation in the territories. We were not looking at it from the point of view of bringing up to date the provision with respect to any provincial arrangements that may exist. I would rather look at it in detail and at leisure, if I may put it that way, and see if we should remove the word "recorder". It is not creating any difficulty that I am aware of, and I would prefer just to leave it for the time being.

Mr. Roberge: I agree with that but right now a recorder does not exist in the province of Quebec. Therefore, a municipal judge would not have the authority of a magistrate as contemplated in this clause. That is the point the hon. member for Hochelaga is trying to make.

Mr. Fulton: If I understand my hon. friend and the hon. member for Hochelaga aright, the suggestion is that the municipal judge should be included in the definition. On

[Mr. Fulton.]

that point I would prefer to look at this, as I say, and to study it carefully and to hear the opinion of and any recommendations from the provincial attorney general.

Mr. Roberge: Would it be possible to include this recommendation in any amendment that may be made in the other place?

Mr. Fulton: If we have time we shall certainly draw the remarks of the hon. member to the attention of the provincial authorities and if there is time and we have a recommendation accordingly we would be prepared to recommend an amendment in the other place.

Mr. Roberge: I might suggest that no time would be lost because the prime minister from Quebec is also the attorney general. He will be here on Monday along with the assistant minister of finance, so that no time will be lost.

Mr. Fulton: I imagine that the mind of the attorney general of Quebec will be occupied with other problems because he will be coming here in another capacity. If we have an opportunity we will bring this to his attention and have a discussion.

Mr. Roberge: Maybe at luncheon time.

Mr. Fulton: As I say, his mind will still be occupied with other matters.

Clause agreed to.

On clause 2.

(*Translation*):

Mr. Eudes: Section 2 of this new bill gives the pilot in command of an aircraft registered in Canada, while the aircraft is in flight, the same authority as a peace officer.

I wonder if it would not be desirable to extend the same powers, in similar circumstances, to the captain or commander of a ship at sea. Section 44 of the Criminal Code authorizes the captain, or master or officer in command of a vessel on a voyage to use force for the purpose of maintaining good order and discipline on the vessel. That suggestion, as far as I am concerned, would seem to complete the powers already granted to the captain of a ship, by the Criminal Code.

(*Text*):

Mr. Fulton: This amendment, I think, will be better understood when read in conjunction with the proposed amendment contained in clause 3. The object of both clause 2 and clause 3 is to fill a gap which it is felt exists now in the criminal law of Canada with respect to jurisdiction over crimes committed on aircraft. It is my understanding that a committee of the international civil aviation organization is studying the whole question of crimes committed on aircraft with a view to recommending a code or provision which