

Canadian Forces Act

the injury or disease or aggravation thereof arose out of or was directly connected with the performance of such function”?

Mr. Campney: As I understand it, Mr. Chairman, the intent of this section is to take care of civilians who are working with the Canadian forces themselves, or with the defence research board, and who may in the course of their duties, whether they be temporary or otherwise, have met with disability or death as outlined in this section. It is to make it possible for them, or their relatives if they are killed, to obtain compensation. Although it is not specifically mentioned, I believe it is the intention that it will be on the pension basis. There are some acts which have sections dealing in detail with this sort of thing, but there has been no section in the National Defence Act that adequately covers it. I believe it is specifically in view of the defence research board and similar activities, and the possibility of disability or death resulting from the activities in which those people are engaged, that this section is inserted to provide for proper compensation.

Mr. Herridge: Are the civil defence organizations or persons who may be engaged in assisting to put out fires included in a section such as this?

Mr. Campney: No; it is specifically stated that it only applies to people working with the Canadian forces, that is the services, or the defence research board. I would take it that it would not apply to people participating in civil defence activities.

Mr. Herridge: The section says “performing any function in relation to the Canadian forces, the defence research board or any forces co-operating with the Canadian forces”. I could well imagine a civil defence force co-operating with the Canadian forces.

Mr. Campney: Under the definition section “forces” means military forces.

Mr. Murray (Cariboo): Might that not apply to employees on the Alaska highway who come under military direction? There are some hundreds of men employed in my riding on the Alaska highway between Dawson Creek and Fort Nelson and at Watson Lake who are likely to be exposed to highway accidents or injuries in connection with bridge construction and so on. Would that provision take care of them?

Mr. Campney: I cannot answer that question categorically, but I would rather think that they would come under the Government Employees Compensation Act, which is another statute entirely. But it is possible

that they might come under this legislation. I would not want to give a categorical answer to that question.

Mr. Murray (Cariboo): They are civilians employed by the army.

Mr. Cruickshank: I should like to ask a further question somewhat similar to that asked by the hon. member for Cariboo. In my own district we had a certain jeep and motorcycle accident. The situation is not clear. I am not asking this question for the purpose of criticism but rather for clarification. Just where does the responsibility rest in the case of a member of the regular army, either with or without official capacity, operating a jeep or a motorcycle, where there happens to be an accident in which a civilian is either injured or killed? Does the department assume the ordinary responsibility—and I may say that I am not a lawyer—that would occur if one party or another were responsible for the accident?

Mr. Campney: In answer to the question asked by the hon. gentleman, may I say that I think the position of the crown is now the same as that of any other employer. In other words, if the driver were acting within the ordinary scope of his employment and of his orders, the crown would be liable. If not, then legally, as I understand the law, the crown would not be liable. It would be a question of fact in each case.

Mr. Cruickshank: I should like to ask a follow-up question. Again may I say that unfortunately, or probably fortunately, not being a lawyer, I do not quite understand the legal technicalities of this matter. But in my riding we had a case, if I remember it correctly, in which a motorcycle was involved in an accident. I am not saying who was to blame or who was not to blame. But in that case, if I remember the evidence correctly, there was no recompense to the civilian because this member of the regular force—this is as I remember it, and I am speaking from memory—had no official right to have the vehicle. I think that is what the hon. member for Cariboo had reference to. In this case the operator of the vehicle, which was a Department of National Defence vehicle, should not have been out on the highway, according to the Department of National Defence. Nevertheless that member of the defence forces was out on the highway with a Department of National Defence vehicle; and the fact is that he had an accident, and as a result serious injury or death was caused to a private individual. As I see it, whether the Department of National Defence had sent that individual out or had