

Hon. Mr. Claxton: In proposing all this, of course, I do not intend to reflect in any way whatsoever on anything that may have existed before, because it was by our own choice that it existed. But the time has come when we can make our own choice that it shall not exist any longer. Nevertheless, I should like to express my gratitude and, I am sure, that of my predecessors in office, to those in Britain who co-operated in making the system work as well as it did and who allowed us to use their laws. Now, let us make our laws apply to our own people by our own decision.

The bill is divided into thirteen parts. Those parts dealing with the administration of service justice cannot be made operative until the necessary rules of procedure and practice have been drafted and passed, and this cannot be done until the bill has been enacted.

For example, honourable senators, provision is made in the bill for dealing with a number of offences. We start with treason and work down to absence without leave. We have to have courts to deal with cases, and machinery for the taking of evidence. That has been done by rules of procedure set up by regulations. In this bill we provide the authority for new rules of procedure and new regulations, but until this bill is passed we cannot have the new rules of procedure and the new regulations. Still, from the service point of view, we cannot abandon the existing procedure and regulations until we have something to take their place. So we suggest, honourable senators, that you provide that parts of the bill be brought into effect by proclamation. Just as soon as we can, we shall draft the rules of procedure and the regulations, making only such changes as are necessary to bring them into line with this bill; and when that is done we shall be ready to start the new procedure going in accordance with the provisions of the bill, if it is passed.

It is necessary, I believe, that provision be made for bringing each of the parts of the bill into operation by proclamation. Some of them should be brought into effect at once, and some only after the necessary rules of procedure and regulations have been drafted.

The bill falls into three main divisions. Parts I, II and III relate generally to organization for defence. They deal with the creation of the department, and the constitutional set-up. They do not have to do with the individual officer and man serving.

In the second division, Parts IV to IX constitute a complete code of service discipline, including the provisions which are necessary to carry the code into effect.

And the third division, Parts X, XI and XII contain provisions relating generally to defence and the defence forces, which provisions do not conveniently fall within the other parts that I have mentioned.

Now, honourable senators, it obviously is not for me to suggest the procedure to be followed in your honourable house. The bill would appear to be a matter suitable for detailed study. If you should choose to have that done, there would be available and at your service officers of the Department of National Defence and officers of the armed forces. In this connection, I am glad to say that the Solicitor General has agreed to assume a major part. As Parliamentary Assistant, he had to do with the preparation of the bill, and this, together with his experience as a lawyer, his service as a member of parliament and his own record overseas as colonel in the famous Chaudiere Regiment, gives him special qualifications to be of assistance to your honourable house. In addition, I shall of course also be glad to be at any time, and in every way possible, at your service.

Honourable senators, the National Defence Bill is a further important step in co-ordinating and unifying the work and conditions of service of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force. It is designed to promote the economy and efficiency of administration in matters relating to all the armed forces of our country and the fair and just treatment of officers and men in the service of our country. As such, I respectfully commend it to your consideration.

Hon. Mr. Aseltine: Before the honourable minister leaves the chamber, I should like to ask a question with regard to section 251, which is under the heading "Commencement of Act." I notice from this that sections 1, 248 and 250 come into force when the Act is assented to; section 211 is to operate retroactively to the 8th December, 1947; section 249 is to operate retroactively to the 1st day of October, 1946, and the other sections come into force when proclaimed. I should be glad if the minister would give us a brief explanation of those sections which are retroactive.

Hon. Mr. Claxton: Well, sir, section 211, which is retroactive, deals with salvage. I understand that it has to do with a matter that has been under consideration for quite some time, and that arrangements have been worked out between the various interests concerned. Here we seek statutory authority to make an arrangement which is considered to be in the interest of all concerned, and therefore it is just as if this were included in a special statute. We think it is desirable that this be passed at this time.