

Canadian Forces Act

Then we also would propose amendments which would provide for expeditious procedure for the disposition of appeals for which no substantial grounds have been shown, or which have been abandoned. This provision exists in connection with appeals of criminal cases in the civil courts, and we would like the court martial appeal board to have power to make regulations to dispose of cases where appeals have not been proceeded with, within a reasonable time, and where such appeals have been made obviously for the purpose of securing delay.

Then there are two amendments to the Defence Services Pension Act. One of these would remove the difficulty now found in fixing the time of service of service personnel who have qualified for pension under the Defence Services Pension Act, where part of their service has been with the forces of another commonwealth country. At the present time it is difficult to determine when this service ends, and this would permit that being done by regulation.

The other amendment to the Defence Services Pension Act would remove an injustice which now exists in respect of a class of contributor for whom special provision was made in an amendment passed in 1951. That class of contributor consists of persons who have had combined services with the active and reserve forces for a total of twenty years. And we should have provided, expressly at the time of passing the amendment, for that part of their pension which would have been payable to their wives being paid to those wives. It was subsequently found that this was omitted, and that it was necessary. Now we want to correct that gap in the law. I understand there are also two or three pending cases which would be affected.

Finally the bill contains certain minor amendments to the Canadian forces voting regulations. It will be recalled that when the Canada Elections Act was referred to the special committee of the House of Commons, that committee made recommendations regarding regulations controlling the voting of service electors. It was provided by those regulations that the service electors had to register by September 21, 1952, and it has been found that a number of service electors have not completed the registration forms. I am sure it is the wish of all hon. members that they should not be disfranchised, so that provision will be extended.

There are also two minor technical errors which the chief electoral officer has pointed out in the regulations, and which it is proposed to correct. None of these appears to be controversial. All are intended for the benefit of our service personnel, and I am

sure will receive favourable consideration by hon. members.

Mr. Browne (St. John's West): I have no doubt the minister can explain why this resolution covers two or three acts. Is it customary to do that?

Mr. Claxton: Yes, we have done that in connection with amendments. The National Defence Act was enacted in 1950, and at that time we incorporated in the one bill a great number of provisions from other legislation. We have decided, and the house so far has concurred, that it would meet the convenience of hon. members, as it does very much that of the armed forces, if all amendments to existing legislation relating to the armed forces were contained in a single bill each year. In consequence the Canadian Forces Act, 1950; the Canadian Forces Act, 1951; the Canadian Forces Act, 1952 have been enacted. All of these amended a number of different statutes, and this follows that precedent.

Mr. Macdonnell (Greenwood): I have a question I should like to ask the minister. When speaking about the desirability of having Canadian military personnel come before Canadian tribunals he said "wherever possible". My understanding is that here in Canada, and vice versa in the United States when there are visiting forces, the army personnel are subject to the laws of the country in which they are visiting. In other words, if a United States soldier in Canada commits an offence against the civil laws he is not tried in an army court but in a civilian court. Am I right in that?

Mr. Claxton: The law which applies to this situation was passed by parliament in 1947 and is called the Visiting Forces (United States of America) Act. Under it United States military tribunals have been given jurisdiction to try United States service personnel in respect of service offences and also in respect of civil offences where the attorney general of the province concerned does not choose to exercise civil jurisdiction. This is a right which we already had under their common law.

Mr. Macdonnell (Greenwood): So in practice it has happened here. Does the attorney general turn them over, and is the actual practice that they are tried in their courts?

Mr. Claxton: Yes, in everything except serious offences.

Mr. Macdonnell (Greenwood): The minister says "wherever possible". Does that mean we just try to negotiate that where we can?