

*Criminal Code*

stop after the word "rest"? If we want to make it clear then surely the flight is deemed to terminate when the plane comes to rest. Why complicate it by adding the words "at the end of its flight"? This again raises the question, what is the end of the flight? I believe we create ambiguity in this way. I suggest it would be clear if the words "at the end of its flight" were deleted. If it were to read "—the moment it comes to rest and when it so comes to rest that flight shall be deemed to have terminated" it would be clearer although I do not think the flight would actually have terminated under the ordinary interpretation of the word "flight".

**Mr. MacLean (Winnipeg North Centre):** Mr. Chairman, I think the hon. member for Essex West has hit the nail on the head, and I should like to support what he has said. Although the minister interprets this in his own way it might be interpreted in another way by the courts. I believe the words "at the end of its flight" should be deleted to remove the ambiguity.

**Mr. Fulton:** Mr. Chairman, I think there is unnecessary concern over these words but we have been considering this since the point was raised, and as it stands at the moment I am inclined to agree that although the meaning would not be clearer it would be no less clear if the words "at the end of its flight" were deleted so the subclause would then read:

For purposes of this section and paragraph (30) of section 2 an aircraft shall be deemed in flight from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest and when it so comes to rest that flight shall be deemed to have terminated.

If the committee would give me a moment I will prepare an amendment accordingly and ask one of my colleagues to move it.

**Mr. Crestohl:** Would the minister look at paragraph (b) of section 5a where it speaks about the termination of the flight and cover that as well? I was under the impression that when we speak about having jurisdiction we should have jurisdiction over all aircraft that land in Canada. As I said before, there may be a forced landing in Canada. As long as a plane lands here and an offence has been committed I think we should have jurisdiction.

**Mr. Fulton:** I have now prepared an amendment which I would ask my colleague the Solicitor General to read.

**Mr. Balcer:** Mr. Chairman, I move:

That subsection 4 of section 5a, as contained in clause 3 of the bill, be amended by deleting the words "at the end of its flight" where they occur in lines 27 and 28 on page 2.

[Mr. Spencer.]

**Mr. Godin:** Mr. Chairman, I fail to appreciate what we would accomplish by this amendment, because the doubt that will be raised in the judge's mind is based on the fact that the common usage of the word "flight" means something other than a lap in a schedule. We speak of a non-stop flight, a two-stop flight, and a refuelling stop only flight. Of what assistance will this amendment be to a judge who wants to know whether the flight has been terminated if he feels that the flight, as the word is interpreted by common usage, means the flight to Los Angeles, for example? The change we are making gives no guidance to the judge or magistrate as to whether the coming to rest of the aircraft indicates the end of the flight. If as suggested by other hon. members the flight from Germany to Los Angeles is the complete flight, the judge would not consider that the terms of this clause specifically state that the flight has been completed until the airplane has arrived at Los Angeles.

Hon. members may say there is no problem arising out of the use of the word "rest". I say there may be a dispute about the significance of that word in relation to the landing of an aircraft, and especially in reference to a trans-Atlantic flight. When does the airplane actually come to rest? That could be solved by referring to an aircraft coming to a complete stop in Canada. That would solve the problem. We would still use approximately the same words; and if common usage indicates that the end of a flight, as that phrase is used by people who are involved in preparing advertisements and talking about aviation transportation, refers to the aircraft arriving at Los Angeles the meaning would be clear. There is no point in saying that we will strike out the words "at the end of its flight" and leave in the reference to the plane coming to rest. The judge might state that he would not consider that the flight had terminated until the plane arrived in Los Angeles, and that he would attach no significance to a plane coming to rest at a refueling stop in Winnipeg.

**Mr. Fulton:** Mr. Chairman, I think I can assure the hon. member that the courts will not interpret the Criminal Code by reference to advertising slogans. They will give the words, as the interpretation rules lay down, the ordinary accepted meaning of those words unless there is something in the statute which indicates clearly that the words do not have their ordinary meaning. Therefore I can assure my hon. friends that the judges will look first at subsection 1 of proposed section 5A and they will see that it seeks to establish jurisdiction over everyone who on an aircraft registered in Canada, while the aircraft is in