

*National Defence*

He said: Mr. Speaker, when the resolution preceding this bill was before the house on April 18 and when the bill was given first reading I stated the objectives of the bill, as reported on page 1681 of *Hansard*. I stated at that time that the bill had been dealt with in the other place where it was introduced at the last session of parliament and where it received third reading on December 8 of last year. However, the prorogation of parliament prevented our proceeding with the measure in this place and consequently it was necessary to introduce it here. That was done by a resolution which was put on the order paper on February 21, and, as I have said, first reading of the bill was given on April 18.

When the measure was before the Senate and during the debate on the defence estimates last session I indicated that it was the intention of the government, if the bill received second reading, to refer the bill to a special committee of the house to be set up, if that was the wish of the house. Accordingly notice has been given in *Votes and Proceedings* of May 12 of the intention to set up such a special committee. If this bill receives second reading it will be the intention of the government to send it to that committee.

It is also our hope that Bill No. 134, to amend the Militia Pension Act and change the title thereof, will receive second reading when it will be referred to the same committee. Finally there is a third measure in the form of a resolution which deals with prize money. If that resolution is adopted and the bill to be based on it given second reading it will be our intention likewise to refer that bill to the proposed committee for consideration. Therefore the committee, if the motion is adopted, will have to deal with all three bills relative to defence.

I do not wish to delay the house further in its consideration of this measure beyond making a few remarks to outline the history of this type of legislation. The first Militia Act of Canada was passed in 1868, the year after confederation, as chapter 40 of the statutes of that year. The act has been revised on a number of occasions but there has been very little substantial change. The present Militia Act is chapter 132 of the revised statutes of 1927. The antiquity of the measure may be appreciated when I recall that, until the passage of an amendment that I introduced in 1947, the Militia Act referred to pack animals but made no mention of aircraft. The Militia Act in its present form does not contain a code of discipline for the Canadian army but by reference incorporates into Canadian law the Army Act of the United Kingdom.

[Mr. Claxton.]

Turning to the legislation relative to the navy, the first Naval Service Act was passed in 1910 as chapter 43 of the statutes of that year. It remained in substantially the same form in which it was passed until 1944 when, by chapter 23 of the statutes of that year, a completely new act was passed. That statute introduced a Canadian naval disciplinary code. This was the first Canadian code to apply to one of the three armed services, and it has been used as the basis for drafting many of the provisions of the present bill.

The first legislation dealing specifically with the air force was the Air Board Act of 1919, later known as the Aeronautics Act. This act dealt with both civil and military aviation. The expanded activities of the Royal Canadian Air Force in the late war resulted in the enactment of the Royal Canadian Air Force Act in 1940. Unlike the Naval Service Act, but following the precedent of the Militia Act, this act contained no disciplinary code. As in the case of the Canadian army, discipline in the air force is governed by the Air Force Act of the United Kingdom which was made a part of air force law by incorporation.

Under the Militia Act, the Naval Service Act and the Air Board Act each of the Canadian forces was administered separately. The department of militia and defence dealt with the army, the department of naval service with the navy, and the air board with the air force. In 1922 the Department of National Defence Act was passed creating a new department to deal with the three services. This act was chapter 34 of the statutes of 1922, and came into force by proclamation on January 1, 1923. The Department of National Defence Act has been amended on four different occasions. The principal amendment, made in 1940, provided for the appointment of additional ministers of national defence.

Experience gained during the last war showed clearly the need for more unified control and greater uniformity in the three services. Further, the present position and status of Canada make it undesirable to depend for the discipline of our army and air force upon legislation enacted by a legislative body not responsible to the people of Canada. Accordingly, soon after becoming minister I directed that work be commenced on the preparation of a single all-embracing Canadian statute to include a common disciplinary code applicable to all three services.

I have previously partially explained to hon. members the course we followed in drafting the measure. It has been in the course of preparation now for some three