

Canadian Forces Act

This amendment only deals with the National Defence Act, and with the Canadian forces as such. According to section 19 (1) of the National Defence Act, subsection (b), one of the duties of the chairman of the chiefs of staff committee is to co-ordinate the training and operations of the Canadian forces, which is the subject matter of the National Defence Act. This amendment also provides that he shall be subject to regulations made by the governor in council, and that he shall be under the direction of the minister. If duties outside those actually in connection with the Canadian forces are deemed desirable to be exercised by the chairman of the chiefs of staff committee, it will be merely a matter of direction by the minister. I think it is better to keep the duties of the chairman of the chiefs of staff committee flexible, that is duties other than those in connection with the direction of the Canadian forces in Canada.

Mr. Fulton: That is my point exactly, and that is why I make the suggestion. The section at present provides that the officer in question, the chairman of the chiefs of staff committee, shall perform such other duties as shall be assigned to him by the minister. This, nevertheless, requires some executive act on the part of the minister to assign these specific duties to him. My point is this. If the chairman of the chiefs of staff committee is going to be, as he is, largely engaged in connection with the operation of our forces as part of the North Atlantic treaty forces, then it seems to me there may well arise a question as to whether a particular decision or directive of the chairman of the chiefs of staff committee is within the scope of his authority. If the statute provided that one of his duties is to generally co-ordinate the training and operations of the Canadian forces with those of any other country with whom we may be generally engaged, then it seems to me the question of whether or not the chairman of the committee was acting within the scope of his authority would not present such a problem. It would not be necessary to refer back to the minister to see if he had authority to do this or that, and that seems to me a situation one could avoid by giving him a general power in the statute.

Mr. Campney: While I appreciate the point of view expressed by the hon. member I believe the suggestion would be rather dangerous, Mr. Chairman. I believe that if we start trying to spell out the possible duties of the chairman of the chiefs of staff committee in relation to the matters in which Canada may be co-operating with other nations, we would reach the point where, if the minister wished him to do

[Mr. Campney.]

some act or take some part in a matter for which he has not specific power under the act, we would be handicapping the flexibility of his duties. If we specifically say what the duties of the chairman of the chiefs of staff committee will be in Canada in relation to Canadian forces, and then have him act under the direction of the minister, who by section 4 of the National Defence Act is to have control and management of the Canadian forces, we maintain that flexibility. The minister could easily give any direction under this section that he wished, and in view of the necessity of flexibility in carrying out the duties which may be undertaken by the chairman of the chiefs of staff committee, I believe it is better to keep it the way it is here.

Mr. Herridge: I should like to ask a few questions in connection with section 216A which is headed "Compensation". It seems to me to leave a great deal to regulation, and I should like to get some explanation from the parliamentary assistant. The section reads:

Compensation may be paid to such extent, in such manner and to such persons as the governor in council may by regulation prescribe—

I should like, first of all, to ask the parliamentary assistant to tell the house on what basis that compensation would be paid. Would it be somewhat in line with the Canadian Pension Act or the usual workmen's compensation act? Then it goes on:

—in respect of disability or death resulting from injury or disease or aggravation thereof incurred by any person while

- (a) employed in the public service of Canada,
- (b) employed under the direction of any part of the public service of Canada,—

What is meant by the words "employed under the direction of any part of the public service of Canada"? Then, paragraph (c) reads:

engaged, with or without remuneration, in an advisory, supervisory or consultative capacity in or on behalf of the public service of Canada—

That is quite a wide clause, and I wish the parliamentary assistant would give the committee some illustration of the type of person intended to be covered by that section. Does the section provide for compensation for persons engaged in civil defence, volunteers in connection with fire fighting, and so on, in the cities or municipalities? Then the section continues:

—and performing any function in relation to the Canadian forces, the defence research board or any forces co-operating with the Canadian forces or the defence research board, if the injury or disease or aggravation thereof arose out of or was directly connected with the performance of such function—

Will the parliamentary assistant just explain what is intended by those words, "if