

National Defence Act

This process began when our party was in office. It is certainly one in which we concur. Any proposal which will result in more economic and efficient operations will certainly receive our approval. I think experience in the medical and chaplain services has been quite satisfactory, and if this type of efficient operation can be carried into other branches of the services we would all welcome it.

The second subject the minister mentioned was that of the rules of evidence in trial by court-martial. These undoubtedly are of a somewhat technical nature, and we shall have to wait until we see the bill to know precisely what the minister has in mind. Certainly any additional safeguards on the imposition of the penalty of death by courts-martial will be welcomed. Our tradition of law is such that we not only have to be thankful for the privileges which have been handed down to us from generation to generation but we have to make a real effort to extend the safeguards to the individual.

As far as the court-martial appeal board is concerned, as I recollect the situation this was an experiment commenced when Hon. Brooke Claxton was minister of national defence. It was quite an informal arrangement, and I believe the board met only in Ottawa. Experience showed it to be a bit cumbersome. One serious complaint was that it took too long for decisions to be brought down. It was very difficult to secure the attendance of sufficient appointees to constitute a quorum. I believe it was decided to watch the experiment in operation for a period of time before suggested amendments would be brought forward. I would presume that what the minister has in mind under the proposal to set up a court-martial appeal board is based on the experience gained over the years.

Mr. Pearkes: Appeal court.

Mr. Hellyer: An appeal court in substitution for the board. I would assume that it would be somewhat streamlined and be able to do the job more effectively. In the same connection the proposal to make applicable the same rules of evidence as in civil courts is something we can study when the bill is before us. It would seem to be something to which we would have no objection. In addition, I am sure that the right of appeal from the proposed appeal court to the Supreme Court of Canada will also be a welcome safeguard.

In mentioning the proposed change from the present French version of the name of the Royal Canadian Air Force the minister did not tell us what he has in mind. I

know that the present name is highly regarded by many people, and we will have to wait until we hear the proposed new name before we can decide whether or not it is an improvement. This is a matter upon which some of the members from Quebec will perhaps wish to comment when we have full information before us.

The minister's conclusion that the changes are designed to improve the discipline and administration of the Canadian forces would appear to us to be proper, and we look forward to seeing the bill.

Mr. Herridge: Mr. Chairman, I wish to speak very briefly on the resolution to which, I am sure, the house will give general assent. As far as integration of the forces is concerned, I think everyone agrees that is a common sense approach under modern conditions. I am sure the minister realizes how horrified some members of the forces would have been 50 years ago if such a thing had been suggested, but in our society it is an inevitable development of our defence forces.

The amendment with respect to the rules of evidence appears to be an important improvement. We will have to wait until we see the details of the bill.

With regard to the safeguards having to do with courts-martial, that is right in line with modern thinking and the new approach to the way persons in the armed forces should be treated with respect to courts-martial and the application of justice. I am very interested in the provision of an appeal court to hear appeals against decisions of courts-martial. I almost got court-martialled on one occasion. I was on a range back of the lines in France as a musketry instructor. I was attached to a British regiment at the time and was instructing about 50 men in musketry. During the exercise the men were supposed to pump dummy ammunition through the rifles and aim at the instructor's eyes. On one occasion I said, "Don't aim at my eye, shoot past my head". The man pulled the trigger and a bullet went past my head. There was an investigation, and all 50 of those blighters swore that I had never inspected their arms. I was taken 15 miles in a G.S. wagon and told that I was going to be court-martialled. Presumably Colonel Kimball, whom the Minister of Public Works knew very well and respected as I did, got me freed from a very serious charge. I am quite sure that under those circumstances there would have been no appeal at all.

Ever since that time I have been interested in making it possible for soldiers to appeal against the decisions of courts-martial. Seriously speaking, I think this is a very good development, because I have knowledge of