

Canadian Forces Act

Mr. Pearkes: What happens if her second husband is a serviceman? Will she be entitled to two pensions, then?

Mr. Campney: The hon. member raises a question that might be looked into. I cannot answer it now categorically.

Mr. Pearkes: This is rather serious. I am not joking. I am referring to the case where a widow of two service personnel is entitled to a pension. She is twice a widow. According to my reading of this act she would be entitled to two pensions, one for each of her former husbands.

Mr. Campney: Perhaps we will not finish this bill by six o'clock. I suggest that this section stand, as I would like to look into the observations of the hon. member.

Clause stands.

Clauses 6 to 9 inclusive agreed to.

On clause 10—*Definition of "persons accompanying Canadian forces"*.

Mr. Mitchell (London): I should like to point out one fact which arises as a result of this new section, namely, that wives now become in fact service personnel and are subject to the provisions of the National Defence Act. By their very nature, and for very good reasons, the provisions of this act provide more severe penalties than are provided for comparable offences in ordinary civil life, and in a good many cases constitute as offences acts which are not offences in our normal civil life. One example which I might point out is under section 74 where a widow or other dependent living in accommodation which is provided, as is now the case on many stations, might refuse the lawful order of the commander of the area to leave the accommodation and thereby be subject to a term of imprisonment for life or to less punishment. The mere fact that there is a two-year limit indicates the seriousness of the punishment which she might suffer.

The second point on which I should like some information from the minister is one which raises the whole question of the position in which not only service personnel themselves but their dependents will find themselves with relation to the law of countries in which they happen to be stationed, and I have no doubt that there are different situations in different countries. Perhaps they might find themselves in one position in France. It might be quite different in Germany. What are the provisions for dealing with service personnel and their dependents by the civil and criminal courts in those countries? Those who served throughout the last war will recall that in the United Kingdom many offences were

[Mr. Campney.]

dealt with by the civil authority, and some were dealt with by military authority. However, that was not the case in Italy and Germany nor, so far as I am aware, in France. Will the minister explain what the position will be with respect to those various countries?

Mr. Campney: Perhaps it would be helpful to hon. members if I did make a short statement on the status of Canadian forces serving abroad. Let me first deal with Germany. The Canadian forces serving in Germany, their dependents and other civilians in the services of or attached to them, have, by the law of the allied high commission, the same privileges as the occupation forces of the United Kingdom, the United States and France. This being so, they are not subject to the criminal jurisdiction of the German courts.

When the arrangements come into effect whereby West Germany will regain almost complete sovereignty, the status of Canadian personnel will undergo a change. The German courts will then have jurisdiction in criminal matters, but only in cases where Canadian military tribunals have not by the law of Canada been given jurisdiction.

As regards France, Belgium and the United States, the NATO status of forces agreement now applies to our forces in these three countries. Under that agreement Canada has the primary right to exercise jurisdiction over members and civilian employees of the Canadian forces in those countries in relation to: (a) offences solely against the property or security of Canada; (b) offences solely against the person or property of another member or employee of the Canadian forces; and (c) offences arising out of any act or omission done in the performance of official duty.

Canada has no primary right to exercise jurisdiction over dependents, but may request these countries to waive their right to exercise jurisdiction, and they are bound by the agreement to give sympathetic consideration to such a request.

With respect to the United Kingdom, until the United Kingdom ratifies the NATO status of forces agreement, the status of Canadian forces in that country will be governed by the Visiting Forces (British Commonwealth) Act, 1933. Under that act Canadian service courts and authorities may exercise within the United Kingdom, in matters concerning discipline and the internal administration of the Canadian forces, all the powers conferred upon them by the law of Canada. Criminal courts of the United Kingdom have the right to try members of the Canadian forces, their dependents and other accompanying civilians for any offence against the criminal law of the United Kingdom.