

Canadian Forces Act

I should like to have some comment from the parliamentary assistant. I know that if a member on this side of the house were to make such a statement it would be a full-blown political issue from now until the next general election. I hope the parliamentary assistant is not going to allow another department to make such a statement and remain completely silent.

Mr. MacNaught: I am very pleased that the hon. member for Peel does not agree with the statement made by the general manager. I am sure that if the hon. member for Peel and the general manager were to pay a visit to our test kitchens they would find that fish can be cooked without any odour whatever.

Mr. Browne (St. John's West): As I asked the question of the general manager as to why they did not serve fish on board on Friday, may I say I am grateful to the hon. member for Peel for bringing up this matter this afternoon. May I suggest that the parliamentary assistant invite members of the board of Trans-Canada Air Lines to his test kitchen and let them consume some of the delicious fish they can have there. It might change his opinion.

Mr. MacNaught: I can assure the hon. member for St. John's West that full consideration will be given to his suggestion to invite the members of the board of Trans-Canada Air Lines to the test kitchen.

Resolution reported, read the second time and concurred in.

Mr. Fournier (Hull) thereupon moved for leave to introduce Bill No. 331, to amend the Fisheries Research Board Act.

Motion agreed to and bill read the first time.

CANADIAN FORCES ACT

AMENDMENTS TO NATIONAL DEFENCE ACT,
DEFENCE SERVICES PENSION ACT AND
CANADIAN FORCES VOTING REGULATIONS

Hon. Brooke Claxton (Minister of National Defence) moved that the house go into committee to consider the following resolution:

That it is expedient to introduce a measure to amend the National Defence Act in respect of certain offences committed by members of the forces out of Canada, to provide for the custody of members of the forces found guilty by civil courts in Canada or by civil or military tribunals of countries other than Canada, and to provide for the disposition of certain classes of appeals; also to amend the Defence Services Pension Act respecting the service that may be counted for purposes of the act and to make pensions payable to the widows and children of persons to whom section 46E of the act applies; and also to amend the Canadian forces voting regulations respecting the completion of statements of ordinary residence.

[Mr. Graydon.]

Motion agreed to and the house went into committee, Mr. Beaudoin in the chair.

Mr. Claxton: Mr. Chairman, the bill which would be introduced in consequence of the adoption of this resolution would amend the National Defence Act, the Defence Services Pension Act and the Canadian forces voting regulations.

The first of these acts would be amended by making provision that Canadian military personnel serving out of Canada who commit offences punishable by foreign law might be tried and punished under Canadian service law. I believe the committee will agree it is desirable that we do everything possible to have Canadian servicemen who are accused of committing offences in foreign countries tried before Canadian tribunals wherever possible. The need for this has arisen in connection with the greatly extended operations of the Canadian armed forces, and was brought home by a definite case which arose where two Canadian sailors were accused and convicted of an offence in Hong Kong. We would like to be in a position to have tried them in respect of the offence, and also to have taken them into custody, through arrangements of course with the Hong Kong authorities.

The second amendment to the National Defence Act is somewhat similar in nature. It would make it lawful for a Canadian serviceman sentenced by a foreign court to undergo his punishment in a Canadian military or civil institution. In this case we are attempting, through diplomatic representations, to secure the delivery to us of these Canadian sailors so that they will finish their sentence in a Canadian service institution. It is greatly to be desired, particularly where the climate and practices of local jurisdictions differ very much from ours, that this be done.

The third amendment would enable the court martial appeal board to exercise the same discretion the court martial had in the first instance of finding an accused guilty of an alternative offence. In a number of cases the court martial appeal board has had cases before it where it would like to have found accused persons guilty of some alternative offence, as is done in respect of criminal appeals in the criminal courts. This, however, was not provided for in the original provision for the court martial appeal board, so the board found it necessary in these cases to order new trials. In the case of offences arising in Korea or Germany it is almost invariably impracticable to have new trials because, by the time the court martial appeal board has delivered judgment, witnesses have been posted to other countries.