

Canadian Forces Act

Mr. Mitchell (London): Having looked at subclause 2, it would appear that a person having been acquitted is, nevertheless, found guilty—that is until you read subclause 3. Subclause 3(a) is understandable, but I would ask the minister if he would be good enough to give us illustrations of how subclauses 3(b) and 3(c) apply.

Mr. Campney: I am informed that these two subclauses are both paraphrases of similar provisions in the Criminal Code. They have been there a long time and have worked. I cannot, offhand, give examples of each of them, but the same provisions exist in the Criminal Code, and we are trying to bring this act into line.

Clause agreed to.

Clause 16 agreed to.

On clause 17—*Claims against associated states.*

Mr. Mitchell (London): By clause 17 the government is accepting liabilities which, presumably, it would not otherwise have. Some arrangement must have been made with the other countries subscribing to the North Atlantic treaty. Will the minister advise us as to the terms of any such agreements, and as to whether or not the government of Canada, having accepted the liability, will be reimbursed for any amount that might be paid under this provision?

Mr. Campney: This clause is inserted in the bill to implement the NATO status of forces agreement, which has already been approved by this parliament, and thus put the crown in a position to carry out its undertaking.

In answer to the hon. member's second question, I would say that in cases of other nationals who are here in their services, the nation concerned with the national here would pay 75 per cent of the sum that might be awarded in damages, and we would pay 25 per cent. This is applicable among all the NATO nations, so the same condition would apply as between any two NATO countries. It is a general agreement under the NATO status of forces agreement.

Mr. Mitchell (London): So a Canadian soldier driving a Canadian vehicle in the United States would be covered by the same arrangement that applies to visiting forces here?

Mr. Campney: That is correct.

Mr. Fraser (Peterborough): If a Canadian soldier were driving a Canadian vehicle while he was not on duty, would the crown still be responsible?

[Mr. Campney.]

Mr. Campney: No; it is my understanding that if a soldier is driving a government vehicle while not acting in the course of his employment he is personally liable.

Clause agreed to.

On clause 18—*Days on reserve force service not computed.*

Mr. Knowles: I would suggest that clause 18, like others in this bill, underlines the point that some of us have tried to make on a number of occasions. The member for Esquimalt-Saanich tried to make it again today. Confusion does arise from this way of amending various statutes. So far today, in this one bill, we have dealt with clauses amending four different statutes. Now we have come to another. In the case of this clause it is proposed that a section of the Senate and House of Commons Act should be amended. It seems to me to be particularly inappropriate that this should be done in this way at this session, bearing in mind the fact that a few days ago we had before us another bill amending the same statute. I understand that bill went through the other place very quickly—only thirty-one minutes for the entire debate on second reading, according to reports.

However, the point I wish to make is that when the Associate Minister of National Defence suggests, in defence of this way of doing things, that it is a matter of interest to members of the defence forces to have all amendments affecting those forces in one place, that argument is set aside by this case. It is proposed by clause 18 of this bill to amend section 37 of the Senate and House of Commons Act. I have before me the Senate and House of Commons Act, and I find that section 38 also refers to members of the defence forces. When you go through these acts you find, as we have claimed on a number of occasions, that these various amendments are scattered all over the place. Whether you are an ordinary person or a lawyer looking for the law under one heading, or whether you are a defence person trying to find out what affects defence personnel, it is rather unsatisfactory to have to look all over the place.

I assume that when an office consolidation of the Senate and House of Commons Act is made, for example, it will include the changes made by Bill No. 171 and it will include changes made by the clause now before us. But it did occur to me that this was a point where one might draw the matter to the attention of the government again, with a view to suggesting that in future, when amendments are necessary in respect of these