

*Criminal Code*

**Mr. Roberge:** In such a case there could be neither an arrest nor a trial.

The 14th case—it is not that of the hon. member for Joliette-L'Assomption-Montcalm—has to do with a non-Canadian citizen aboard a foreign aircraft leaving Canada and piloted by a foreign pilot. There again, there could be neither an offence nor an arrest, nor a trial. That situation is not a problem.

The 15th case—

**An hon. Member:** Montreal-St. Denis.

**Mr. Denis:** Carrier pigeon.

**Mr. Roberge:** Mr. Chairman, there are only three minutes to go, and I have two more cases to submit to the Minister of Justice. The 15th case concerns a non-Canadian citizen aboard an aircraft not registered in Canada but flying into Canada and piloted by a Canadian. If he commits a criminal offence he can be arrested because the pilot is a Canadian, and he can be put on trial.

According to what the minister said, the sixteenth case is no problem either. It is the last one. I think, with some imagination, we might go up to question No. 64 but this would keep us here till after ten o'clock.

The 16th case deals with a non-Canadian citizen travelling in an aircraft not registered in Canada, or registered in Canada but flown by a foreign pilot. The minister tells us that the foreign pilot could not escape the law. If the passenger were to commit some offence, he could not only be arrested but also be brought to trial.

Mr. Chairman, the Minister of Justice had some fun, and so did I. I wanted to give this illustration because, according to my understanding, there seems to be in the bill before us—

**Mr. Pigeon (Joliette-L'Assomption-Montcalm):** What do you mean by "understanding"?

**Mr. Roberge:** The hon. member for Joliette-L'Assomption-Montcalm is asking me what I mean by "understanding." I mean intelligence, and intelligence means comprehension; I therefore mean "to understand something".

I have tried to understand that section 3 of the bill, but I realized that there were certain gaps, the main one being, in my opinion, the following: a Canadian citizen or a non-Canadian commits an offence on board a Canadian aircraft or a non-Canadian air-

[Mr. Fortin.]

craft, but on board an aircraft flying from Canada, to go elsewhere—this is so complicated that it is hard to understand!

**An hon. Member:** There is no possible "understanding".

**Mr. Roberge:** He commits such an offence while flying from Canada to go elsewhere. I wonder how—especially if the offence is committed on board a Canadian aircraft or on board an aircraft whose pilot is not a Canadian, such person could be brought before the courts when he is not in Canada, at the airport, or will not come back to Canada anyway.

(Text):

**Mr. Fulton:** Mr. Chairman, I regret indeed that the hon. gentleman has so completely misunderstood the effect of this legislation, because the 16 cases to which he made reference are 16 complete non sequiturs. They do not arise out of the legislation which we have proposed here, and not one of them has any bearing on the discussion which should be before the committee.

The simple intent and effect of this legislation is to fill a gap in the present law by providing that the pilot in command of an aircraft registered under regulations made pursuant to the Aeronautics Act, which is a Canadian statute, while that aircraft is in flight shall have the power of a peace officer with respect to any crimes committed on the aircraft of which that pilot is in charge. The effect of that clause is precisely the same as the present law with respect to the situation on vessels at sea. The party of my hon. friend was in power for 22 years while the maritime law has had those provisions, and I never heard them suggest that there was any derogation of Canadian sovereignty as a result of those provisions. They were not prepared—whether by reason of ineptitude or laziness I do not know—to take the necessary action to make the same situation prevail with respect to aircraft. We are now filling the hole that my hon. friends left for 22 years.

Clause 3 of the bill is to the effect that any offence committed on an aircraft in flight, which flight terminates in Canada, shall be triable in a Canadian court. We are merely conferring a jurisdiction now lacking upon Canadian courts to try persons committing offences under the law of Canada on aircraft, the flight of which aircraft terminates in Canada. It will be noted that we are not asserting any jurisdiction over persons who are not citizens of Canada with respect to their trials unless the attorney general of Canada authorizes the prosecution. So that is the simple effect of the legislation, and it makes nonsense of the 16 cases put up by my