

REPORT

OF THE DEPARTMENT OF

NATIONAL DEFENCE

FOR THE
FISCAL YEAR ENDING
MARCH 31
1952



EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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136. During the fiscal year 962 files respecting inventions and patents were considered by the patent section of the office and twenty-six applications for patents were filed with the Canadian Patents Office. A member of this office visited all research and development units across Canada to assist with patent work and legal problems arising therefrom.

137. The Judge Advocate General as Chairman of the Services Pension Board is responsible for the administration of the Defence Services Pension Act. The pension section processed eighty-seven cases under Parts I-IV of the Act and these were placed in payment during the fiscal year. Under Part V of the Act, twenty-six cases were processed and placed in payment and 5,090 non-recurring benefits (gratuities) were processed and paid. This work involved the payment of a total of 5,203 benefits under this Act. The legal section of this office gave 706 opinions relating to the interpretation of the Act.

138. During the year the claims section brought to a final conclusion 1,635 claims arising out of injuries to persons or damage to or loss of property. Statistics are shown in Appendix 12.

139. The office continued to give legal assistance to many members of the services in connection with their personal legal problems. This assistance did not extend to representation in person at any legal proceedings but, rather, took the form of advice and, where necessary, a suggestion that the matter be placed in the hands of civilian counsel. No record was kept of the number of servicemen interviewed for this purpose but this aspect of the work is increasing with the expansion of the forces and is proportionately larger for troops out of Canada than for those serving in this country.

140. The office has during the year kept in close touch with and given advice on international agreements being negotiated by Canada in which the Department has a particular interest. Part of this work had to do with the preparation of a statute entitled The Visiting Forces (North Atlantic Treaty) Act that was passed by Parliament in December, 1951.

MARRIED QUARTERS

141. Under the Joint Service Married Quarters Programme, further progress was made in the construction of married quarters for service personnel during the fiscal year 1951-52. Except in remote areas, the construction of married quarters is arranged through the facilities and under the control of Central Mortgage and Housing Corporation. At remote locations the construction of married quarters is carried out through the facilities of Defence Construction Limited. At a few isolated locations where the number of units was limited, the Department arranged its own construction.

142. Some apartment type and row housing, included in the 1951-52 programme, is designed for ready conversion to barrack accommodation in an emergency.

143. The total number of married quarters completed during the fiscal year 1951-52 was 3,140. A detailed statement showing location of the married quarters and the services for which they were constructed is shown in Appendix 8. The progress made in the provision of married quarters has helped to reduce the housing shortage and, by assisting service personnel to obtain suitable accommodation, has contributed greatly to service morale.

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JUDGE ADVOCATE GENERAL

129. The office of the Judge Advocate General is responsible for the legal duties required to be performed for the Department, the three services, and the Defence Research Board. These duties are performed by a staff of legal officers of the three services at Ottawa and officers in the service commands who are directly responsible to the Judge Advocate General.

130. On September 1, 1951, the unproclaimed portions of the National Defence Act were brought into force and concurrently therewith new King's Regulations and orders in three volumes, for each of the three services, were approved and made effective. The regulations are in the main uniform for the three services, Volume I covering matters of administration, Volume II discipline, and Volume III pay and allowances. These regulations reflect the continuing process of unification and co-ordination in the department.

131. In the year under review, The Canadian Forces Act, 1951, assented to on December 21, 1951, effected amendments to a number of federal statutes: to make their language consistent with the terminology used in the National Defence Act; to make provision for the appointment and duties of the Chairman of the Chiefs of Staff Committee; to authorize compensation in respect of certain public service employees who suffer disability or death while performing their duties; to regulate trials by court martial for offences committed wholly or in part prior to the coming into force of The National Defence Act; and to extend the provision respecting the wrongful communication of information under the Official Secrets Act.

132. Officers of the office of the Judge Advocate General sat as judge advocates on every court martial case of major importance. The proceedings of each court were received and reviewed as to legality.

133. Under the appeal provisions of The National Defence Act, twenty-six appeals in respect of courts martial have been filed with the office of the J.A.G., eight of which concerned the legality of the finding of the court and eighteen the severity of the sentence imposed. Those appeals concerning sentence were referred to the appropriate Chief of Staff as required by The National Defence Act. The eight appeals against legality of finding were referred to the Court Martial Appeal Board consisting of Mr. Justice J. C. A. Cameron of the Exchequer Court as Chairman, Mr. B. M. Alexandor, Q.C., Mr. L. C. Audette, Mr. D. K. MacTavish, Q.C., and Mr. Leonce Plante, Q.C., who were appointed during the year. Of these appeals, one was allowed, one allowed in part, three were disallowed, one was abandoned and two are pending.

134. During the year, 392 leases and miscellaneous agreements in respect of real property for use of the Department were prepared in this office, an increase of 127 agreements or 47.9 per cent over the previous year. In addition, numerous agreements, letters, opinions and submissions to the Governor in Council were dealt with.

135. In the estates section, the work has continued to increase due to the expansion of the forces and participation in the United Nations undertaking in Korea. Attached as Appendix 13 is a statistical statement for the year from which it will be noted that seventy-three more accounts were received than during the previous year, an increase of almost 10 per cent.

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1951



OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

PRICE 25 cents.

PAY AND ALLOWANCES

118. To maintain comparability with employees in civilian industries, the rates of pay and subsistence allowance for service personnel were increased with effect from December 1, 1950. The new scales of pay, marriage and subsistence allowances are shown in appendix 6.

JUDGE ADVOCATE GENERAL

119. The office of the Judge Advocate General is responsible for the legal duties required to be performed for the department, the three services, and the Defence Research Board. These duties are performed by a staff of legal officers of the three services at Ottawa and officers in the service commands who are directly responsible to the Judge Advocate General.

120. The National Defence Act was introduced in the House of Commons early in 1950 and received the Royal Assent on June 30, 1950. Sections 1, 211, 248, 249 and 250 of the Act came into force upon that date, and numerous additional sections have been made effective by three proclamations by the Governor in Council on August 1, 1950, August 7, 1950, and February 1, 1951. The remaining sections are expected to be proclaimed effective September 1, 1951.

121. This single act deals with all matters relative to defence and provides a common disciplinary code for all three services. Its enactment meant that Canadian defence matters are now handled for the first time entirely by the Canadian Parliament and dealt within a single comprehensive statute applicable to all three services. It also epitomizes a process of unification, integration and co-ordination that has taken place in the department of National Defence since 1946.

122. In the year under review, The Canadian Forces Act, 1950, amended the National Defence Act and also include special provisions concerning persons serving in the Special Force in respect to pensions and veterans benefits. In addition to this Act, The Defence Services Pension Act, formerly known as the Militia Pension Act, was substantially amended during the last fiscal year. Regulations dealing with disciplinary proceedings under The National Defence Act were also prepared.

During the year 1950-51, a total of 157 courts martial were held for the trial of army personnel and sixteen for the trial of air force personnel. Officers of the office of the Judge Advocate General sat as Judge Advocates on almost all of these courts, including every case of major importance. The proceedings of each court were received and reviewed as to legality. The number of serious offences tried was small, as most courts related to absence without leave and the loss of service equipment and clothing through neglect. A number of petitions, involving questions of law, which arose from the trial of offenders were examined and reported upon.

123. During the year 265 leases and miscellaneous agreements in respect of real property for the use of the department were prepared in this office, an increase of forty-five agreements over the previous fiscal year. In addition, the legal aspects of a large number of real estate transactions were dealt with.

124. The functions of the Judge Advocate General in his capacity of Director of Estates fall under three main headings:

- (a) administration of service estates of members of the regular forces, and of members of the reserves who die while on continuous service;

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- (b) administration of unpaid war service gratuities from the Second World War, in those cases where the gratuity is payable to the service estate (there are still approximately 20,000 unpaid war service gratuities under administration by the Department of Veterans Affairs);
- (c) answering inquiries by the public and other departments regarding individual service estates.

125. Because of the increase in the establishment of the armed forces, including the formation of the Special Force, and increased activity by the War Service Gratuity Branch of the Department of Veterans Affairs, the work of the Estates Section has doubled during the past fiscal year, and is still increasing. (Statistics may be found in appendix 12).

126. During the fiscal year 1950-51, the Claims Section brought to a final conclusion 1,683 claims arising out of injuries to persons or damage to or loss of property. (Statistics are shown in appendix 11).

127. During the year, 501 files respecting inventions and patents were dealt with by the Judge Advocate General's Office. This work involves inventions which originated within the department as well as from civilian sources. Due to the increased activity in research and development within the department, a patent attorney has been added to the staff to assist in the work generally, and to prepare applications for patents.

128. The Judge Advocate General as Chairman of the Service Pension Board is responsible for the administration of the Defence Services Pension Act. The number of pensions which were placed in payment during the fiscal year under Parts I-IV was 115, and under Part V was twenty-five. The total number of non-recurring benefits which were paid was 3,388. The Service Pension Board section considered a total of 7,680 files for payment of benefits under the Act. The legal section of this office gave 791 opinions relating to the interpretation of the Act.

129. Payments on an ex-gratia basis are confined to cases where, although the Crown was not legally liable, the claimant has been injured or has suffered serious financial prejudice by the action of an officer or servant of the Crown. The broad principles which govern recommendations for the issue of ex-gratia payments are first; that there should be a degree of moral responsibility on the part of the Crown; second, that the amount of damage done or extent of injury inflicted should be such that failure to make compensation would work a genuine hardship on the claimant or his family; third that the compensation recommended should be limited to reimbursement of specific costs and known losses of income arising out of the incident, anything in the nature of general damages being excluded from consideration.

130. The office of the Judge Advocate General gave legal assistance to many members of the services in connection with their personal legal problems. In no case did this assistance extend to representing any person in legal proceedings, but rather took the form of advice and, where necessary, a suggestion that the matter be placed in the hands of civilian counsel.

131. The Canadian Bar Association at its meeting in Regina on February 23 and 24, 1951, consented to set up provincial committees composed of its members which would provide legal aid to serving officers and men in Canada's armed forces. Mr. Benjamin R. Guss of St. John, N.B. was appointed chairman of the general committee for Canada.

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Group in Europe. During the same period eight R.C.A.F. chaplains (five Protestant, three Roman Catholic) were serving in the United Kingdom and with the air division in Europe. The Navy has one Protestant and one Roman Catholic chaplain serving with R.C.N. ships in the Far East. In addition, personnel of 426 Transport Squadron located in the Aleutians and the Far East are visited regularly by both Roman Catholic and Protestant chaplains.

119. The next-of-kin of all fatal casualties during the year were visited by a chaplain, or if that was impossible, by a clergyman at the request of the Chaplaincy Branch.

120. On invitation of the Minister of National Defence, Archbishop M. L. Roy, O.B.E., D.D., Roman Catholic Bishop Ordinary to the Forces, the Most Rev. W. E. Barfoot, M.A., D.D., Primate of the Church of England in Canada, Rt. Rev. C. M. Nicholson, B.A., D.D., Moderator of the United Church of Canada, Dr. D. W. Hay, D.D., representing the Presbyterian Church of Canada, and Col. J. Gordon Jones, O.B.E., D.D., representing the Baptist Church of Canada visited the 27th Canadian Infantry Brigade in Europe. Every evidence would indicate that their visits were much appreciated by the troops.

121. In a modern military establishment, the role of the chaplain is one of increasing importance. By the very nature of his vocation he is in a unique position to understand and assist with the personal problems of servicemen and their dependents, to give guidance and advice and to provide leadership in developing the spiritual growth so necessary to the future and life of democratic institutions.

JUDGE ADVOCATE GENERAL

122. The Judge Advocate General acts as legal adviser to the department, the armed services, and the Defence Research Board. His office consists of legal officers drawn from the three services who are stationed at Ottawa and at service commands throughout Canada and with the Canadian forces overseas.

123. During the year the Department submitted a Bill to Parliament entitled *The Canadian Forces Act, 1952*. This measure, which received the Royal Assent on May 29th, 1952, contained fifteen amendments to *The National Defence Act* as well as amendments to the *Civil Service Superannuation Act*, *The Defence Services Pension Act*, and the *Senate and House of Commons Act*.

124. Officers on the staff of the Judge Advocate General sat as judge advocates on almost all courts martial held by the Canadian forces, including every case of major importance. In each instance the minutes of the court martial proceedings were reviewed at Ottawa to determine whether any illegality had occurred either as to finding or sentence. A decrease of approximately fifty per cent in the number of courts martial was apparent as compared to the previous year, notwithstanding the increase in the strength of the forces which occurred during the same period.

125. Twenty-eight persons convicted by court martial appealed against the severity of the sentence imposed, and forty-one appealed on the ground that the findings were illegal. Appeals against severity were dealt with by service authorities, and appeals relating to legality of findings were adjudicated upon by the Court Martial Appeal Board. Thirteen of the appeals based on alleged illegality of findings are still pending. Of the remainder, two were allowed, four were allowed but new trials ordered, and nine were disallowed. Thirteen were abandoned by the appellant before adjudication by the Court Martial Appeal Board.

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126. The property section dealt with 4,895 references. The work of this section includes the preparation of agreements with respect to leases, leave and license, services, and the acquisition of land and buildings, as well as submissions to council, and correspondence relating to legal matters in respect of real property.

127. The estates section of the office has experienced a further increase in miscellaneous inquiries, the total being approximately 3,600. Additional accounts received during the fiscal year showed a decrease to 605 from 833 in the previous fiscal year. There are 364 current estates awaiting distribution with an estimated value of \$52,725.48.

128. The patent section continued to maintain close liaison with the research and development branches of the services and Defence Research Board for the purpose of examining inventions. In addition, a large number of suggestions and inventions submitted by the general public were examined. Applications for patents totalling seventy-five were filed on behalf of the Department, almost three times the number filed in the previous fiscal year.

129. The administration of the *Defence Services Pension Act* is the responsibility of the Judge Advocate General who is Chairman of the Defence Services Pension Board. In the fiscal year under review, seventy-eight cases under Parts I to IV of the Act were placed in payment, while forty-one cases were placed in payment under Part V. In addition to the pensions, approximately 9,000 gratuities were processed and paid. The work of the pension section involved handling over 13,000 files and giving 762 opinions on the interpretation of the *Defence Services Pension Act*.

130. The claims section concluded 1,789 claims made by or against the department and concerning injuries to persons, or damage to, or loss of property. In November 1952 a new procedure was brought into effect by Order-in-Council so that payment of claims might be made at service commands upon the advice of the Assistant Judge Advocates General when the amount of damages claimed did not exceed \$200.00.

131. The final settlement of claims made against the Department of National Defence involved payment by the Crown of \$214,979.42.

132. Legal assistance was furnished relating to the personal legal problems of many members of the services. None of the persons to whom such assistance was furnished was represented by a member of the office at any legal proceedings, as such representation is not permitted. In a number of cases a suggestion was made that civilian counsel should be retained, while in others all that was necessary was advice as to the legal position of the person seeking assistance.

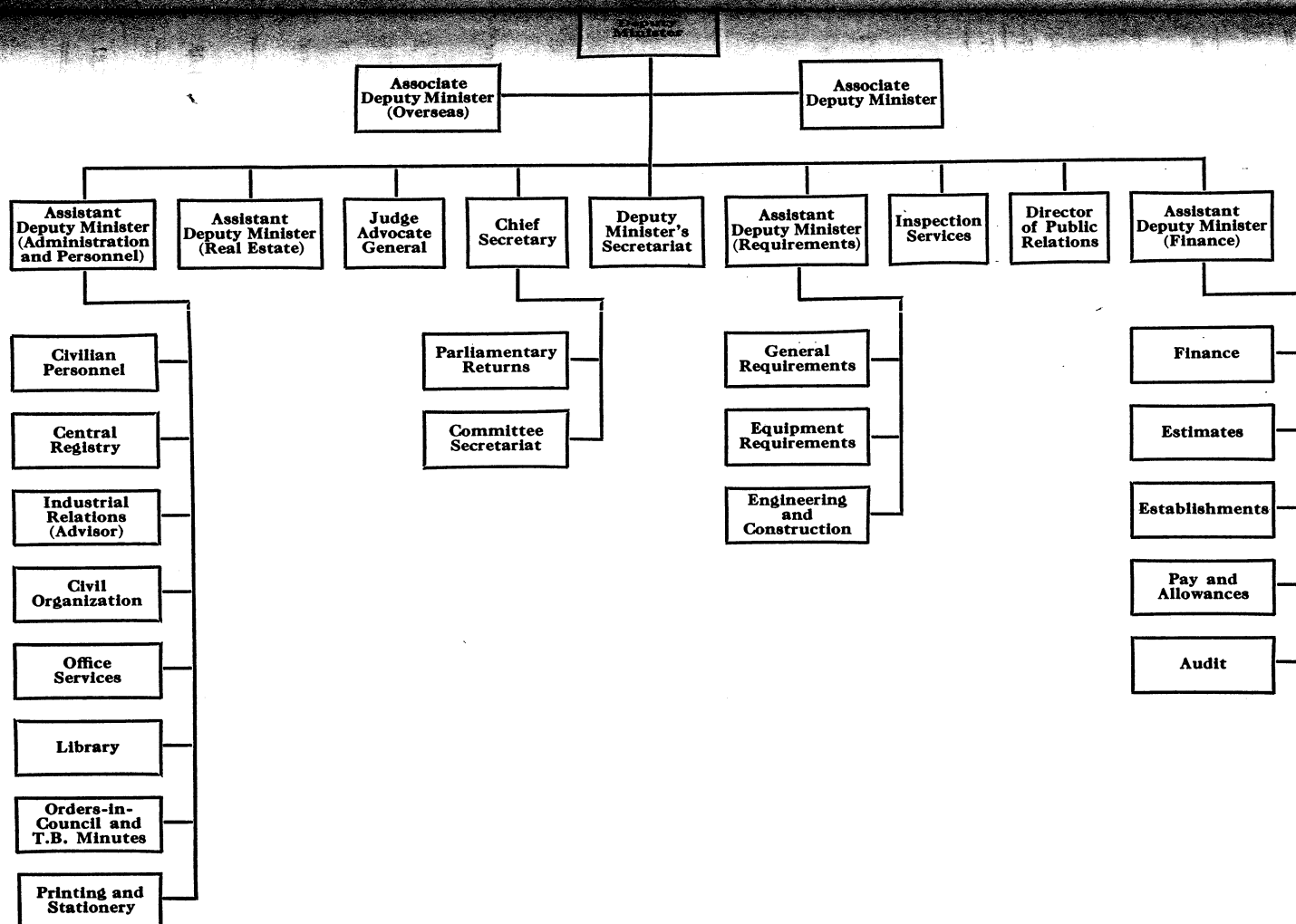
133. The office, in conjunction with the Department of External Affairs, has assisted in the drafting and preliminary consideration of international agreements necessitated by the stationing of Canadian forces abroad. Advice has been also given to the forces on certain aspects of international law of particular concern to them. Officers serving in units overseas have been required to deal with customs regulations, questions relating to jurisdiction over members of the forces, and similar matters.

MARRIED QUARTERS

134. Favourable progress was made in the construction of married quarters during the year ending March 31, 1953, when 4,355 houses were completed. This will make available about 13,000 permanent married quarters or eighty-two per cent of the 16,035 planned at present.

APPENDIX 12

DEPARTMENT OF NATIONAL DEFENCE
Organization—Deputy Minister's Branch





Department of National Defence

REPORT

for the

Fiscal Year

1953-54

**EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
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**2M-12-54 (8077)
H.Q. 1750-3-53**

changes in specifications to bring them in line with manufacturing practices; for investigating technical facilities of firms in the light of specific requirements; for recommending in favour or against design changes requested by a manufacturer; for interpreting to a contractor government specifications and technical requirements of a contract; and for recommending cancellation of a contract when it is determined that a manufacturer is not meeting his commitments.

The dollar value of the stores inspected last year was about twelve per cent greater than that of the previous year. This work was done at a cost of \$12.5 million, approximately the same as that of the previous year, and the staff totalled 2,295, which is only slightly higher than last year. Reciprocal inspection arrangements with the Government of the United States continued to work satisfactorily. The cost of inspection and proofing of armaments produced under foreign contracts was recovered from the manufacturers.

Economy and Audit Controls

Under the Assistant Deputy Minister for Administration and Personnel the Controller of Office Services and Supplies is responsible for reviewing requests for office appliances and stationery supplies; for storing and re-allocating surplus items of this category; for conducting organization-and-methods surveys and reassessing requirements for stenographic and clerical staff; and for reviewing requests for publications and printing. An additional function of the section is to provide liaison between the Department of National Defence and the Queen's Printer, the Controller of Office Economies, the Organization and Methods Division of the Civil Service Commission and the staff of the Treasury Board.

Under the Assistant Deputy Minister for Finance the Chief Auditor is responsible for the audit of all stores and financial accounting within the Armed Forces, for the inspection of stores to assess physical controls, and for reporting on the adequacy and functioning of accounting systems. By special arrangements with the Defence Research Board, accounts of Defence Scientific Service establishments are examined from time to time, as required, and special audits and reports are made.

The Chief Auditor's Branch operated through a headquarters staff and regional offices at Halifax, Montreal, Ottawa, Toronto, Winnipeg, Edmonton and Vancouver. During the past year 350 audits were completed at service depots, units and ships, including accounts for Canadian forces in Europe and in the United Kingdom. Accounts were also examined at three Defence Scientific Service establishments.

Legal Services

The Judge Advocate General, appointed under the National Defence Act, is responsible for the general supervision of the administration of military justice and is the legal adviser to the Department, the Armed Forces and the Defence Research Board. Members of each of the three Services serve on units of his staff at Ottawa and at various places throughout Canada and abroad.

Two Acts concerning Canada's Armed Forces were passed during the period under review. On May 14, 1953, Royal Assent was given to a measure entitled the *Canadian Forces Act, 1953*. This Act contained five amendments to the *National Defence Act* as well as amendments to the *Defence Services Pension Act* and the *Canadian Forces Voting Regulations*. On March 4, 1954, a Bill entitled the *Canadian Forces Act, 1954*, received Royal Assent. This measure contained nine amendments to the *National Defence Act*, the *Visiting Forces (North Atlantic Treaty) Act*, the *Senate and House of Commons Act* and the *Canadian Forces Act, 1950*.

The office of the Judge Advocate General acts in an advisory capacity to other offices of the Department as regards property and agreements and patents. Certain aspects of international agreements and negotiations in which this Department has an interest are referred to the Judge Advocate General by the Department of External Affairs. Counsel is also available to individual members of the Services, although no member of the staff is permitted to represent personnel seeking assistance at any legal proceedings; where necessary, they are referred to civilian counsel, otherwise advice is given to assist them in understanding their position.

The office of the Judge Advocate General deals with courts martial and appeals. In addition, it administers service estates of deceased members of the Canadian Forces and the Defence Services Pensions Act. In connection with the latter duties, a total of 13,288 gratuities were paid last year as compared with 9,000 gratuities processed and paid in the previous fiscal year. The claims section of the office deals with claims arising from operations of the Department of National Defence; last year 2,454 new claims were received, 1,454 claims were closed, and the total amount paid by the Crown was \$229,510.48.

Public Relations

A civilian Director of Public Relations coordinates the working of the directorates of public relations in each of the Armed Forces and in the Defence Scientific Services. During the year emphasis was given to publicity regarding the operations of the Defence Scientific Services, especially as regards the opening of new laboratories and scientific developments having wide civil, as well as military, application. Since the cessation of hostilities in Korea there has been a general withdrawal of correspondents from the area, so that service information officers have had an increasing responsibility for keeping Canadians informed. In Europe a record number of correspondents visited the 1st Canadian Infantry Brigade Group and the 1st Air Division, and facilities for these visits were the responsibility of public relations units overseas. Cooperation with the C.B.C. and private stations continued at a high level, both as regards news and radio programmes and film footage for use on television.

Recruiting and Training

Recruiting

During the past year in addition to vigorous recruiting activities on behalf of the three Active Forces, considerable emphasis was given to recruiting for the R.C.N. (Reserve) naval divisions, the Reserve Army units, area and command headquarters, and R.C.A.F. auxiliary squadrons. The recruiting rate was set at a fairly high level, as required by the planned build-up of the forces, and it is encouraging to note that the net results have, on the whole, been satisfactory.*

The Inter-Service Recruiting Committee, a sub-committee of the Personnel Members Committee, continued to consider recruiting methods, standards of selection and other matters in relation to manpower requirements.

The Inter-Service Recruiting Publicity Committee continued to supervise the advertising plans of the three services, including those for the Canadian Services Colleges. In conjunction with advertising agencies, this committee recommends the most effective means of advertising service manpower requirements through the press, radio, posters, and by means of vocational counsellors and mobile recruiting teams.

* See Appendices 3, 4 and 6.



Department of National Defence

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REPORT *for the* *Fiscal Year* 1954-55

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2M-11-55 (8815)
H.Q. 1750-3-54

1955, amounted to \$554,264,237. This work was completed at a cost of \$9.5 million, a reduction of approximately \$3 million from the previous year's cost, and with some reductions in staff as compared with the previous year.

Reciprocal agreements with the U.S. Defense Department enable production in the United States for the Canadian Armed Services to be inspected by one of the several U.S. Inspection Service Agencies and, similarly, production in Canada for the U.S. Armed Forces is inspected by the Inspection Services of Canada, at no charge to either country. Inspection Services also deal with the inspection of materiel produced in Canada under the NATO and Colombo aid programmes.

Legal Services

The administration of military justice is under the supervision of the Judge Advocate General who is also the legal adviser to the Minister, the Deputy Minister and other civilian officials of the Department, and to the Armed Services and the Defence Research Board. The officer staff of the Judge Advocate General is made up of members of the Services who are qualified lawyers.

Officers of the Judge Advocate General's Branch act in the capacity of legal advisers to other officials of the Department in matters of properties, contracts and patents and deal with all claims against the Crown arising out of National Defence operations.

Legal aspects of international agreements and negotiations in which the Department or the Armed Forces have an interest are dealt with by the Judge Advocate General in co-operation with officials of the Department of External Affairs.

At all courts martial a representative of the Judge Advocate General sits as Judge Advocate. The prosecution is conducted by an officer of his Branch, with officers made available to defend the accused, if required. All courts martial held in the Canadian Forces are reviewed by the Judge Advocate General who advises the Minister or the Chief of Staff concerned, as appropriate, whenever he considers that there is a ground for corrective action.

In addition to the normal review by the Judge Advocate General, any serviceman convicted by a court martial may appeal the legality of the finding and sentence to the Court Martial Appeal Board, which is composed of eight civilian judges and lawyers. Out of 151 courts martial held in the Canadian Forces last year the Judge Advocate General advised quashing in 12 cases; in 12 other cases appeals were heard by the Courts Martial Appeal Board, with no appeals being sustained but with one new trial being ordered.

The Judge Advocate General also holds appointments as Chairman of the Service Pension Board and Director of Estates. Last year in administering the Defense Services Pension Act his office dealt with 20,060 cases. During the same period, in carrying out the responsibility for the administration of Service Estates of all officers and other ranks who die while in the Forces, his office administered 469 estates.

Public Relations

In line with the Department's policy of keeping the Canadian public fully abreast of the latest news and unclassified information about defence matters, public relations officers in each of the Armed Forces and in the Defence Scientific Service work closely with representatives of all public information media. Press releases provide a continuous flow of information

APPENDIX 2

DEPUTY MINISTER'S BRANCH
(as of March 31, 1955)

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