

June 6, 1963

S-1-6(d)

CONFIDENTIAL

MEMORANDUM FOR MR. BRYCE

Security Review Procedure

As I mentioned to you yesterday, the draft Security Review Order attached to the memorandum to the Cabinet from the Minister of Justice dated June 5th, 1963, is one which was considered by the Security Panel as early as December of 1957, and which was revised substantially at further meetings of the Panel and the Cabinet Committee on the Security Appeal System, resulting in that attached to a memorandum to the Cabinet from Mr. Fulton dated June 24th, 1959. I am attaching a copy of this memorandum ~~together with the most recent draft order.~~

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The two main differences of substance between the earlier and later versions are these:

- (a) The later version makes no reference to deputy Ministers whatsoever, leaving the initiative for all actions of consequence with the Minister of the department concerned. This change was made in order to avoid placing the deputy minister in a position in which it would be difficult for him to carry out his administrative responsibilities, particularly if the review board's advice to the Minister were contrary to the deputy minister's view of the case. While this problem is still inherent to some extent in the later version of the draft order, its wording does not draw attention to the deputy minister's function and appears to place a much greater onus on the Minister. You will note also in this connection that the later version provides for an inquiry to be made during the consideration of dismissal rather than after a tentative decision has been made.
- (b) The later version provides that "No employee of a department shall be dismissed from the public

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service for reasons of suspected communist sympathies unless the Minister of that department so decides after considering the advice of the Security Review Board." The earlier version provided that "When it has been tentatively decided, in accordance with government security policy, to discharge, or to recommend the discharge of any employee on security grounds, the procedure prescribed by this order shall be followed before the proposed discharge is effected." Apart from the obvious difference in presentation, the earlier version would probably have been interpreted to mean that not only cases involving possible disloyalty, but also those involving unreliability owing to human frailties or problems of personality, could be referred to the review board. It had been agreed by the Security Panel and by the then Minister of Justice that it would be quite inappropriate to have cases of the latter kind referred to a review board outside the public service.

A number of other less-important differences in form and presentation were incorporated in the later version in the interests of ~~equitability~~, public acceptance and general effectiveness, but in view of limited time I have not attempted to list them here.

Rainner

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Privy Council Office,
June 6th, 1963.

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