

CONFIDENTIAL

5-1-6

March 18, 1975.

MEMORANDUM FOR MR. ROBERTSON

You questioned the effect that the passing of the proposed Public Service Security Inquiry Regulations would have on the section of C.D. 35 which deals with the procedure for dismissing public servants for security reasons (para. 17).

The procedure in C.D. 35 up to the stage of review by a board of senior officials remains the same - it is the provision for a "board of review drawn from the members of the Security Panel" (17(c)) which is replaced by the proposed regulations. I have discussed this matter with Mr. Scollin of the Department of Justice and he has advised that regulations such as these, which are passed under a statute, supersede the provisions of a Cabinet Directive. The effect is that, in law, paragraph 17(c) of C.D. 35 will be replaced by the proposed regulations. Mr. Scollin suggested that, when the regulations are promulgated, a memorandum be issued to departments pointing out that the regulations supersede C.D. 35 to the extent that the provisions of the Cabinet Directive conflict with the regulations.

Even if this fact does not become known to all departments and agencies, there is an additional safeguard in that if a department were pursuing the procedure in the Cabinet Directive and had reached the "board of review" stage, they would have to consult with this Secretariat to have the board established. In this way we would become aware of any people pursuing the wrong course.

Any remaining confusion will be eliminated in the redraft of C.D. 35 which is now in progress.

D. W. Hall.

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