

MEMORANDUM

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

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TO THE UNDER-SECRETARY ✓ *ER*SECURITY CONFIDENTIAL
SécuritéFROM Defence Liaison (2) Division
De

DATE March 10, 1967

REFERENCE
RéférenceNUMBER
NuméroSUBJECT Revisions to Financial Administration Act -
Sujet Royal Commission on Security

FILE	DOSSIER
OTTAWA D.L.(2)Sp.Reg.	6-16-1
MISSION	

ENCLOSURES
Annexes

DISTRIBUTION

I thought I should draw to your attention the attached pages from Hansard of February 20 on this subject.

Mr. Wershof
Mr. Timmerman
(without encl)

2. The clause under discussion at the beginning of the excerpt was adopted and will, I understand from the Privy Council Office, become law on March 13. It has the effect, in practice if not in law at least, of revising sub-section 2 of section 50 of the Civil Service Act which read: "Nothing in this Act shall be construed to limit or affect the right or power of the Governor in Council to remove or dismiss any employee." While the new language of the Financial Administration Act does not seem to me to take away the legal power of a Minister to dismiss a person on security grounds, it does interpose an enquiry by some other person before that dismissal can take effect.

3. You will note from the extract that Mr. Benson, the Government spokesman, emphasized that this new section was only "an interim solution" or "a stop-gap measure" and will be subject to review when the report of the Royal Commission on Security has been received. At an earlier stage in the debate Mr. Bell argued that the Royal Commission on Security "should devise and recommend formal and public procedures or techniques of enquiry for inclusion in this legislation".

4. The Secretary of the Security Panel intends in due course to attempt to seek the comments of the Security Panel on the changed procedures which may be called for under the new legislation. To the best of our knowledge we in this Department have had only one case of dismissal under section 50 of the Civil Service Act. It remains a matter for speculation as to whether this new legislation with its provision for a new process of appeal would give rise to additional cases.

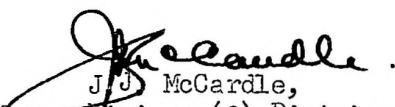
5. In a somewhat different context I would draw your particular attention to the two interventions by Mr. Douglas in the attached extract. He calls for the application of judicial procedures for what to my mind are problems susceptible only to administrative proceedings. Furthermore he implies that

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only public proceedings will cause justice to be done. Mr. Lewis, speaking at an earlier point in the debate, indicated his dissatisfaction with the appeal procedure provided for in the new legislation and said in part: "It is the essence of any kind of enquiry that is really worth while that the person charged, accused, disciplined, discriminated against or in any other way dealt with as a result of some allegations should know the precise nature of those allegations and be able to meet them in the proper way."

6. Mr. Baldwin in his intervention asks that an opportunity be given the House to debate the kind of procedures involved in security matters. The Government has in the past refused to make public the specific text of Cabinet Directive 35 on Security Procedures in the Public Service.


J. J. McCardle,
Defence Liaison (2) Division.