

Criminal Code

suggest that under those circumstances nobody, but nobody, would ever want to become a cabinet member.

This is perhaps one of the delightful inconsistencies one can see in this legislation and I thought it might be helpful to point it out to the house. We might even see all the present cabinet rushing back immediately to see that in no circumstances would the bill we are now considering be given second reading at this time.

• (5:40 p.m.)

Mr. H. A. Olson (Medicine Hat): Mr. Speaker, whether or not there are desirable and laudable principles involved in this Bill No. C-9 I say to you, sir, and to the hon. member who introduced this bill, that this is the first time that I can recall in this house that an hon. member has admitted in his opening remarks that he would be very apprehensive of the consequences of having his bill passed. I think he said, if I interpreted his remarks correctly, in response to a question posed by the Leader of the Opposition (Mr. Diefenbaker) that he could see some serious imperfections in the bill. I think he went even further than that and said that if there were any possibility of its being passed in this house, then someone would have to examine seriously the consequences and the ramifications of what was provided in the bill because it would be difficult, and perhaps unjust, if it were administered the way it is written.

Mr. Scott (Danforth): I wish to speak on a point of privilege, Mr. Speaker. I know the hon. member for Medicine Hat (Mr. Olson) does not deliberately wish to put words in my mouth. The Leader of the Opposition asked why this was to be made a criminal offence. In response I said I appreciated the nature of his concern, but because of the large number of statutes which would have to be amended it would be very hard to do it in a private members bill. I thought that for the sake of a discussion on the principle it would be simpler to make it an offence attachable to an individual minister.

Mr. Olson: I certainly did not wish to misinterpret the hon. member's response to the Leader of the Opposition, but it seems to me it would be far better for the hon. member, or for any hon. member when introducing a bill dealing with some injustice in the public service, to word it in such a way that it would in fact state what the hon.

member wanted to happen, rather than to bring in something that he frankly admits he does not wish to pass and does not support. It is a strange manner of bringing a bill before this house, and I suggest it is a waste of time; it does not even present a question of principle to be discussed by hon. members. As has been said, it would be unjust if any attempt were made to comply with the proposed provisions in this bill.

I also wish to say that I think there may be some justification in bringing an amendment to the statutes of Canada which would provide public servants who, as is pointed out in the explanatory note, are appointed for a period of time to boards, commissions, and so on, with some recourse and redress in cases where they are dismissed without adequate notice. However, to make a criminal offence failure to give six months notice is not something which I could support.

The explanatory notes go on to say that the proposal provides that a convicted minister must compensate the person dismissed with the equivalent of six months severance pay. It seems to me this is an unjust provision, and that if there are public servants who have for any reason caused sufficient displeasure to the minister to whom they are responsible to warrant dismissal, then the minister should not be forced into the initiation of a criminal action before the employee could have access to a redress.

If we wish to prescribe something that will give a measure of protection to these civil servants who have not received sufficient notice, then we should find another way of doing it. I suggest that if this bill is passed what would probably evolve would be a form letter which would be sent to every one of the civil servants whose term of employment was to expire six months in advance of that date, so as to protect the minister from the provisions of Bill C-9.

I do not think this is a reasonable proposal. To achieve mandatory provision for a reasonable notice of the expiry of anyone's term of office should be done in another way. I even think that the principle which is evolved in this bill, requiring a six months notice period, would result in automatically extending by six months the term of office of all these appointees. For example, anyone who is appointed for a three-year period knows three years in advance that on a particular date his appointment will expire unless it is renewed, but there is no guarantee given at the time that it will be renewed. It is certain that a