

*Official Languages*

to clause 40(4) was a clarifying amendment in the sense that we wanted to make it perfectly clear that the fact that the official languages bill was a later bill in terms of time to the Public Service Employment Act could not be interpreted by the government, or by anybody looking at this bill, as an implication that anything in the Public Service Employment Act had been amended or rescinded. In other words, we merely continued and restated the merit principle as it appears in an earlier statute, the Public Service Employment Act, to ensure that nothing in this bill will derogate from it.

There is no amendment made to the Public Service Employment Act by reason of the official languages bill. The purpose of clause 40(4) is merely to protect the merit principle as beyond the scope of this bill and to ensure that nothing in this bill can be construed as an amendment to the earlier act. It does not change the merit principle in the Public Service Employment Act, nor does it extend the merit principle to the other public agencies of government not covered by the Public Service Employment Act. Therefore the existing clause 40(4) is a saving clause and it does nothing more.

In so far as it preserves the present legal situation it will ensure that the merit principle, where it applies, remains. There are several areas of the government service where the merit principle does not apply, where parliament in its wisdom to date has said that the merit principle shall not apply within the definition of section 12 of the Public Service Employment Act.

**Mr. Knowles (Winnipeg North Centre):** The cabinet, for example.

**Mr. Turner (Ottawa-Carleton):** I will take that riposte as being well meant.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** Present company excepted.

**Mr. Horner:** And only at the present time.

**Mr. Turner (Ottawa-Carleton):** It is a fairly fluid situation, as my hon. friend says.

As the hon. member for Cardigan knows, this subject was discussed at some length in the special committee and it was pointed out that there is no special requirement as to merit for the Canadian forces, the R.C.M.P. and those other agencies that do not presently come under the Public Service Employment Act. Parliament has not extended that requirement specifically to them.

Not all bodies apply the same standards as are imposed upon the Public Service Commission by the Public Service Employment Act. The armed forces have their own selection standards, and I will not go into the nature of them at the moment. Air Canada has its own standards, and the R.C.M.P. has its standards. They may not correspond to "merit" as currently defined in section 12 of the Public Service Employment Act, and it is not the purpose of this bill either to extend or restrict the merit principle. The purpose of this bill is not to interfere with the merit principle as presently found in the statutes of Canada. This is merely a saving clause.

Where merit applies today under the Public Service Employment Act it will not be interfered with by this bill. Where it does not apply, then of course it is up to parliament when reviewing the statutes relating to the armed forces, the R.C.M.P., Air Canada, the C.N.R. and other agencies of government not currently covered by the Public Service Employment Act to decide in its good judgment whether that merit principle ought to apply.

Therefore, Mr. Speaker, since the purpose of this bill is not germane either to restricting or extending the merit principle but only to ensuring by way of clarification, and by way of a saving clause, that the merit principle so far as it now applies in the statutes of Canada will not be interfered with, we recommend to the house at this report stage that the amendment be rejected. I suggest that it is ill-conceived and that it would convert clause 40(4) into more than a saving provision. It would not clarify. It might well confuse the whole issue as to whether or not, to use the words of the hon. member for Cardigan, we were extending the merit principle by indirection into other statutes regarding other institutions of government that are currently not covered by the Public Service Employment Act.

If parliament in its good judgment in the days and years ahead wishes to analyse the recruiting, hiring and promoting practices of these other agencies of government, parliament should directly set its attention to it and not do it indirectly by way of a provision that would confuse the statutes of Canada. That is the reason we suggest to the house that this amendment be rejected.

**Mr. Woolliams:** Mr. Speaker, having listened to the minister's argument with great interest he has left me with the impression that this clause really does nothing. If so,