

Criminal Code

• (5:30 p.m.)

[English]

Mr. Scott (Danforth): They might get a Senate appointment.

Mr. Forest: Well, I am not talking about the Senate especially. I am talking about commissions and boards which the hon. member mentions in this bill.

[Translation]

There have not been any great developments in the past on the level which concerns us. This can be said of the two parties which have been in office. In introducing this bill, the hon. member's intentions were surely noble and commendable, and he should be congratulated, but I do not believe that, under its present form, the bill should be passed nor does it deserve the approval of the house.

[English]

Mr. Robert McCleave (Halifax): Mr. Speaker, I rise to take part briefly in this debate on a bill which surely bears the most intriguing title of any bill that we have considered or will be considering this session. While I want to say at the outset that I support in general the King's-evil, or the Queen's-evil, that is to be overcome, I think the method suggested by the hon. member is a dangerous one. As a matter of fact I think I shall be able to prove conclusively and beyond reasonable doubt that, if this bill were adopted, nobody in Canada would ever expose himself to the dangers of being a cabinet member, though not for the reasons that might be first apparent; because there is, if I may put it this way, a snake in the grass in the bill that could lead to all sorts of acts of political revenge. However, Mr. Speaker, I will get down to that particular argument in a moment.

I think that in general the idea of six months notice being given to those who are not to be reappointed to boards and commissions is a sound one. We know, as backbenchers looking at the operations of governments past and present, that sometimes people are not reappointed to commissions and boards, while others are. I think of a person who used to be a member of parliament and then for some two decades was appointed, first by a Conservative government and then by Liberal administrations, to the National Harbours Board. So there was obviously a very

[Mr. Forest.]

non-partisan approach to this particular man's appointment. But we can think of others, and the hon. member who sponsors the bill has mentioned one such case this afternoon, where a term of service was not renewed, and it would strike some people that this was an act of political reprisal or political revenge. I do not know whether this is true in the case of Mr. Carlyle Allison, but there are rather painful coincidences that are apparent.

While I support the idea advanced by the hon. member, I doubt the approach that he is using, and I think in answer to the question raised by the Leader of the Opposition (Mr. Diefenbaker) the hon. member himself indicated that he shared this doubt. I refer to making this sort of thing a criminal offence. As the hon. member fairly indicated, this idea was being presented to the house for its consideration. It is a worth-while idea, but I do not think we can purge the King's evil in the way suggested in the bill. However, Mr. Speaker, I think we could perhaps solve it in other ways.

At first when I looked at the bill it seemed to me that any cabinet could be hauled collectively into court and the dismissee could in effect obtain redress for approximately 12 times the salary he earned in the year before dismissal. But then I saw the saving grace in the very last clause of the bill, in which the amount of fiscal punishment would be divided among all members of the cabinet who were responsible for the outrage of not giving the appointee six months of dismissal notice.

But, Mr. Speaker, that is not the reason for my saying that I thought nobody could ever be persuaded to be a member of a cabinet if we were to pass this bill. I was thinking of what would happen if you had a change of government in the six months in which the person was not given notice that his services would no longer be required as a commissioner. You could have a new government come in at the very end of that period and simply dismiss all those members of commissions, boards, tribunals and what-not whose terms of service had expired. Then see the delightful predicament in which all the members of the old cabinet would be placed. The new cabinet would have in effect carried out the dismissals, but the aggrieved persons could haul all the old cabinet off to court and have them charged with failing to give them six months notice. It would be the finest act of political reprisal one could have in Canada. I would