

*Criminal Code*

they are dismissed, or if the functions for which they were appointed is completed, they can obtain another position elsewhere sometimes even more advantageous on account of the experience and the knowledge they have acquired in the discharge of their important duties in the service of the government.

This is a situation which prevails generally at all levels of government and in all countries and if, for instance, after an unforeseen occurrence, the party of the hon. member took office, it may certainly have to replace some senior officials to implement the policy it would have advocated and claimed to be in the general interest.

We will soon have an example of that in the provinces where there has been recently a change of government, because there will unavoidably be at a certain level changes in the direction of certain government agencies or commissions, since the new government will want its policy to be put into force by people who perhaps share its views more closely.

Any new government wishing to direct its general policy according to what it preached before coming into office must, up to a point, be able to depend on certain important people to make changes deemed necessary in the interest of the country.

This, of course, applies to a few key positions, to a rather limited number of people. The federal government is restricted in these appointments, but in some fields, such as this one, rightfully keeps certain attitudes and initiatives which the present bill would like to curb. But the government must not be deprived of the right to appeal to competent people who can be of use; this also insures a change of staff which is often beneficial and new directives which can sometimes be useful so as to change in some ways a policy which has become a matter of routine.

I am surprised that the hon. member has found no other way to reach his goal except by amending the Criminal Code and calling criminal a simple administrative act which is within the powers of the cabinet and which is to be punished by a most severe sanction.

It seems to me rather difficult to establish the intent to commit a criminal act in such a case and, anyhow, I cannot accept the new principle or rule established by the present bill.

Because they have not given advice, the ministers would be guilty of a punishable offence, on summary conviction of guilt, and

since the amended section does not provide a penalty, they would be jointly and severally responsible and would have to pay a maximum fine of \$500 or go to prison for a maximum of six months, or both.

In addition, they would be liable to have to compensate financially the official dismissed. Such a proposal, which appears in the Criminal Code under the chapter concerning corruption and disobedience, is extravagant and excessive and could not be implemented without serious inconvenience. Neither would it benefit those it is meant to protect.

Indeed, the government is not always in a position to decide at least six months in advance whether the organization concerned, a commission or a board, should remain in operation, or whether an official should retain his position, or still whether he should be transferred to another position better suited to his qualifications.

In practice, the new government would have to automatically give six months' notice to all concerned in order to ensure that all incumbents of the positions affected are reliable and qualified people.

It would surely result in further uncertainty, concern and discontent then under present conditions. The hands of the government would be tied, without any real benefits accruing to those concerned.

As the bill now reads, I wonder what would happen if, for instance, a new government, two or three months after coming into office, released a public servant who had not received the required notice.

Would ministers of the former government not be held responsible, since the bill covers persons who held, six months prior to the termination of their terms of office, the post of minister in the government?

If I read the bill correctly, that is the proper interpretation under its present form.

Partisanship in the matter of appointments has been mentioned, but this is hardly the case nowadays, where the main factor that should and is considered is qualifications.

I see that the hon. member for Roberval (Mr. Gauthier) is laughing, but I think that is the practice of this government, at least. Qualifications are the main factor to be considered in making appointments to important positions.