

Criminal Code

from the general public to serve on boards for certain lengths of time. It might be that a motion of this type or a principle of this kind, if it were accepted, would go part way toward making public service positions, in terms certain, a little more attractive.

As I have suggested, I put this principle forward for the purpose of discussion. It is not the most major item we could discuss, but it is something that does affect various classes of highly qualified persons. I hope the principle behind the bill will recommend itself to the house and I will be interested to hear the comments of other members who wish to speak on it.

[Translation]

Mr. Yves Forest (Stanstead): Mr. Speaker, I want to say a few words about Bill No. C-9 which the hon. member for Danforth (Mr. Scott) has just introduced.

After listening attentively to his remarks, I do not think he convinced me or the house or that he proved the urgency or need to pass legislation which would impose on the government the obligation to give at least six months notice to some civil servants who have been appointed, as mentioned in the bill, to temporary duties or positions.

It also seems to me that the provision of the bill to hold all the ministers jointly and collectively responsible for a criminal act, when such notice has not been given, does not make sense, because in addition to the criminal penalty provided therefor, it goes as far as compelling the minister or ministers responsible to compensate the civil servant dismissed without notice by granting him half the annual salary provided for the office concerned. The Leader of the Opposition (Mr. Diefenbaker), who has a very keen legal mind, soon noticed, when studying the bill, that it was certainly exaggerated to make of a simple administrative act a criminal act.

The hon. member did not mention either or report massive or repeated dismissals which would have occurred and which would justify studying the need to put a stop to the present system which has obvious advantages and, in general, has been found satisfactory in the past.

The present bill deals with a very special class of civil servants or public officials who are generally highly qualified people and have been appointed to very definite duties for a period set in advance, which they were aware of and accepted before assuming their functions.

[Mr. Scott (Danforth).]

In the explanatory notes of the bill, it is said that the present procedure is discriminatory because it would cause serious hardship to those concerned especially if they had left a good position or put an end to business relations to accept employment for a set period and if they are allowed to work until almost the end of his term of office without being notified, at least six months in advance, that their services will not be needed after that. Well, I cannot agree with that, especially since the working conditions were accepted and agreed to beforehand by those concerned who willingly accepted an office and who, as a general rule, are retained or confirmed when it is to continue and the term of office of the body concerned is still in force.

I would see there, up to a certain point, the application of the often quoted legal principle: *volenti non fit injuria*, or anyone who accepts the risks beforehand, being well aware of them, cannot claim that his rights have been violated.

Besides, we are not dealing with a class of people who suffer—

[English]

Mr. Scott (Danforth): Mr. Speaker, I wonder whether the hon. member will permit a question in light of what he has just said. If the hon. member himself had been appointed to a term of office for, say, seven or ten years in a job which he had come to like and enjoy, would he want to wait until the last day to learn whether or not his career was to be continued, or would he feel it reasonable to be informed six months in advance? That is, after all, the purpose of the bill.

Mr. Choquette: Why do you want to abolish the Senate without six months notice?

Mr. Scott (Danforth): I have never suggested the abolition of the Senate.

Mr. Forest: In answer to the hon. member's question, let me say that I believe we are in a similar position, as members of parliament, not sure of what will happen in days to come. However, I think if I do a reasonable job, like the hon. member I think I will have a good chance of being returned to my position. That is precisely what happens in the case of most civil servants.

[Translation]

Mr. Speaker, before this question was put to me, I was saying that these people do not, in general, suffer serious prejudice because in most cases, they are not only rehired, but if