

*Official Languages*

government had in mind. The clause at that time said that every department and agency of the government of Canada and every judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to an act of the Parliament of Canada had the duty to ensure that the services provided by them were provided in the two languages in areas where this was necessary.

• (3:50 p.m.)

For some unexplained reason the minister saw fit to bring in an amendment of his own. Strangely enough, he amended the interpretation clause of the bill. Naturally we wonder why this provision was not included in the interpretation section when the bill was originally drafted. The interpretation section of a statute is, of course, a very important section, and ordinarily the draftsman of a bill is very careful to include in the interpretation section an expansion of all of the words in the bill that he thinks require explanation.

However, clause 36 was amended by the minister in order to bring the members of the Canadian forces and the Royal Canadian Mounted Police under the provisions of the bill. I have wondered why clause 9 of the original bill was not considered wide enough to include members of the R.C.M.P. and the Canadian forces. Clause 9 provided:

Every department and agency of the government of Canada and every judicial, quasi-judicial or administrative body or crown corporation—

And so on. They were the bodies originally included in clause 9, but in its wisdom the government apparently felt that an additional clause had to be brought in to make sure that members of the armed forces and the Royal Canadian Mounted Police were included in the provisions of the bill, and therefore were subject to the provisions of every clause in the bill. Since the government saw fit to take this step, I do not think we can take objection to it.

The government also decided to amend clause 40 by adding an additional subclause 4. Subclause 4 provides:

In relation to the appointment and advancement in employment of personnel the duties of whose positions include duties relating to the provision of services by authorities to members of the public, it is the duty

(a) of the Public Service Commission, in cases where it has the authority to make appointments,

(b) of the authority concerned, in all other cases, to ensure that, in the exercise and performance of the powers, duties and functions conferred or imposed upon it by law, due account is taken of the purposes and provisions of this Act—

[Mr. McQuaid.]

These are the important words.

—subject always to the maintenance of the principle of selection of personnel according to merit as required by the Public Service Employment Act.

That clause was designed to establish and to protect—and I think it effectively does so—the merit principle, and to make it applicable to those who fall within the provisions of the Public Service Employment Act. However, I hasten to point out that members of the armed forces and the Royal Canadian Mounted Police do not fall within the provisions of the Public Service Employment Act, at least in most respects. The Public Service Employment Act, which is chapter 71 of the 1966-67 Statutes of Canada, provides in section 2 (2):

For the purpose of being eligible to enter competitions and for the purposes of sections 11 and 13, the following persons shall be deemed to be persons employed in the Public Service, namely:

(a) members of the Royal Canadian Mounted Police;

(b) members of the Canadian forces;—

I ask the house to note that these members of the R.C.M.P. and the Canadian forces are deemed to be employed by the public service only for the purpose of being eligible to enter competitions and for the purposes of sections 11 and 13. Section 11 of that act provides:

Appointments shall be made from within the Public Service except where, in the opinion of the Commission, it is not in the best interests of the Public Service to do so.

That section has nothing to do with merit. If the members also examine section 13 they will find it has nothing to do with appointment according to merit. The section of the Public Service Employment Act that deals with merit is section 10, and specifically by that act members of the Royal Canadian Mounted Police and the armed forces are excluded from the provisions of that section. The only sections of the act that do apply to members of the armed forces and the Royal Canadian Mounted Police are sections 11 and 13.

Our contention, Mr. Speaker, is that members of the Royal Canadian Mounted Police and the armed forces should be afforded the protection given other public servants under the Public Service Employment Act. Since they are going to be governed by the provisions of the official languages bill, the principle of merit so far as promotion is concerned should certainly be made applicable to them. All we are asking the house to do is to clarify the terms of the bill so there is no shadow of