

M. Chever

S-1-1

"copie d'un document d'information
à l'usage du premier ministre..."
*(document confidentiel du Cabinet
datant de 1963, communiqué en
virtu de la Loi d'Accès à l'Information
en juillet 1984)*
(#16 on list)

CONFIDENTIAL

October 28th, 1963.

MEMORANDUM FOR THE PRIME MINISTER:

Re: New security procedures

Vic Mackie telephoned me this morning to say that Messrs. Knowles and Orlikow had raised with him the question whether the new security procedures - and especially the "second look" by the Board of Review - would be retroactive in effect. Mr. Orlikow is apparently particularly interested with regard to some of the cases that he has raised in the last year.

I told Mackie that any statement of policy on this would have to be by you or the Minister of Justice but that I thought there would be insuperable difficulties in making the procedures retroactive. I said I could not see how one could draw a point of time prior to which cases would not be re-opened if any were being re-opened at all.

It seems very likely that you may be asked a question about this.

It seems to me that there is no doubt at all but that cases that have been decided under the procedures that applied when the decisions were taken must be regarded as closed. To go back and re-open any would involve the risk of having to re-open all and the task would become quite impossible. To some extent the situation is similar to an amendment in legislation. There is normally no attempt

- 2 -

at retroactivity even though it can be alleged at times that people may have suffered because of defects in legislation at an earlier point.

Mackie also asked whether the Board of Review applied to persons seeking to enter the public service. I told him that it did not; only to persons already in employment. He also asked whether the procedures would apply to immigration cases. I told him they had no application whatever to immigration; only to employment in sensitive positions in the public service.

ORIGINAL SIGNED
BY
R. G. ROBERTSON

R.G.R.

005535

AGC-1251_0002