

I. Security Policy: Security Review Order

The Panel had for consideration a draft Order in Council, revised in accordance with the direction of the Cabinet Committee on the Security Appeal System, the purpose of which was to establish a Security Review Board to advise the Minister concerned in cases of employees whose dismissal on security grounds was being considered.

(Security Panel Document SP-195 refers).

General Policy

2. The Chairman informed the members that the Cabinet Committee on the Security Appeal System had met to study the draft Security Review Order which had been considered by the Security Panel at its 64th meeting on December 27th, 1957. The Cabinet Committee had suggested that the draft Order be revised to permit a review of security cases by a Security Review Board before a decision to dismiss had been taken, and had requested that the draft Order, so revised, be referred again to the Security Panel for its views. The Chairman pointed out that the present draft Order had been designed to have all the actions of consequence decided upon by the Minister concerned, and thus avoid placing the Deputy Minister in a position in which it would be difficult for him to carry out his administrative responsibilities. He felt that, while the present document met certain of the criticisms earlier voiced by the Security Panel, and on the whole looked less like an appeal system, there still remained the central problem of an outside body possibly advising against the dismissal of an employee in whom a department had lost confidence.

3. The Chairman of the Civil Service Commission agreed that this was the central issue, regardless of the timing of an actual decision to dismiss an employee on security grounds. In his view, it had always been accepted that decisions such as this were the responsibility of the Deputy Minister concerned, who must remain answerable for the security of his department. He considered that the system proposed in the present draft Order could cause a serious breach of this accepted principle, in that departmental management could be affected by an outside body which, by its very nature, could not have the same knowledge of management problems as would a Minister or his Deputy. On balance, Mr. Heeney considered that, if the government proposed to institute a system of security review, the present draft Order, with certain minor emendations, appeared to embody as good a system as could be devised. While he appreciated the desire of the Minister of Justice to provide better protection for the employee, he felt that serious administrative risks would have to be faced, particularly as a result of inevitable pressures from Civil Service and other organizations for an extension of the system to include full judicial procedures.