

*Penitentiary Act*

the main officers, and even the guards in the penitentiaries, should be selected under a system of competitive examination. It is absurd. I think that penitentiary work should be compared with the work of the mounted police or even of the militia. In the penitentiary the work that is to be done by the guards, and very often their lives are in jeopardy, depends for its success more on the character and the temperament of the man than on what they may happen to know about geography or arithmetic or anything else. This conviction I have formed during the year and a half in which I have been at the head of the administration of the Department of Justice. I believe in control by the Civil Service Commission when it is a case of appointments in connection with ordinary departmental work, but I do not think they are qualified to select the men to conduct the penitentiaries.

I am still of this opinion, and I am quite willing to support that part of the bill which gives to the governor in council or to the minister the responsibility for the appointment of the wardens and guards for the reasons I expressed at that time. This bill, however, goes much further; under section 2 even the clerks and employees in the penitentiaries branch of the department will be removed from the control of the Civil Service Commission. They are to be appointed and their salaries are to be fixed by the governor in council, without regard to the classification of the Civil Service Commission, to which the civil servants in all the other departments are subject. I do not see any reason why the stenographers, clerks or other employees in the department here in Ottawa should be considered in the same category as wardens or guards who have to deal with the inmates of the penitentiaries. This is removing from the operation of the Civil Service Act a class of employees who certainly should remain under it.

When we were considering amendments to the Civil Service Act last year I remember that the report of the committee contained a recommendation to the effect that there should be a standing parliamentary committee on civil service, to deal with all civil service matters and with such changes as are suggested by the present bill. I do not understand why this recommendation has not been acted upon and why this proposal was not submitted to such a committee before being submitted to the house. I would ask my hon. friend not to persist in his intention to take away from the control of the Civil Service Act the ordinary employees of the penitentiaries branch. So far as the rest of the bill is concerned I am quite ready to support him.

Mr. A. E. ROSS (Kingston City): In connection with this bill I pointed out a year [Mr. Lapointe.]

ago, and I also sent to the committee considering the matter a communication to the effect, that these appointments were not being made by the Civil Service Commission. The names of fifty per cent of the guards at Portsmouth penitentiary have never been submitted to the Civil Service Commission, and those that have been submitted have always been on the recommendation of the warden. No matter what objection is made to my statement, I know what I am talking about, and I know that these guards had to see the warden to have his approval, they had to have their examination, and then they were submitted by the warden to the superintendent. I will admit that many of them were pigeonholed at the time and never reached the Civil Service Commission, but those who were recommended did go forward with the approval of the warden.

I contend that last year the only function the commission performed in connection with these cases was this. When these names were submitted as those of men eligible to the civil service, the commission questioned the preference, first as to whether they were returned men and secondly whether they had disability. I understand that the preference is to continue and in that case there is a difficulty now. In what way will the warden, at the time he recommends a guard, know what his preference is or whether he has had a disability? It will not do merely to state it on his application. It must be obtained in some way, and that was the only function the Civil Service Commission ever discharged in regard to the appointment of these guards and officers.

Last year I opposed this procedure because we were sailing under false colours at the time, believing that the commission made these appointments, whereas they only put their stamp upon them after a certain investigation on the part of the Department of Pensions and National Health. At present there are sixty guards in Portsmouth penitentiary. The names of these men have never been submitted to the commission, unless it be within the last two weeks, and I cannot see that we are getting very much further with this bill. I am certainly in sympathy with it; I certainly believe that the warden should select his men and that that recommendation should go. I am very much afraid however, that with the superintendent we have to-day some names will never reach the top. A man who can write what he did about returned men will not, in my opinion, have any sympathy with them. I shall have more to say in this regard in committee.