

position, whether the deputy is a civil servant or not. But if a civil servant shows partisanship while acting as deputy returning officer, he is violating his oath of office when he accepted the position, and so far as I am concerned, if a civil servant should do that he would be removed from the service, if I had the power. But that is a question that should be dealt with in the Election Act rather than in a Civil Service Act. The suggestion that the civil servant should not be allowed to act as deputy returning officer is one that I cannot accept.

On section 47,

47. Wherever under sections 5, 8, 10 (b), 21, 22, 23, 26, 28 (2), 34, 35, 38 and 39 (4), any action is authorized or directed to be taken by the Governor in Council or by order in council such action with respect to the officers, clerks and employees of the House of Commons or the Senate, shall be taken upon a resolution of the House of Commons or a resolution of the Senate as the case may be, and with respect to the officers, clerks and employees of the library of parliament, and to such other officers, clerks and employees as are under the joint control of both Houses of parliament, shall be taken upon a joint resolution of both Houses of parliament.

Mr. FISHER. I wish to add to the original Bill this new section, as No. 47, which refers to employees of the Senate and House of Commons, and of the library of parliament.

Mr. R. L. BORDEN. I think this is a step in the right direction, but I would suggest that as this amendment is drawn, it will still be the Governor in Council who will take the action with regard to the officers, clerks and employees of the Houses of parliament; although he will do it upon resolution of the House, it will still be the Governor in Council who will do it. The difficulty in that case would be that the House could never make any change without going to the Governor in Council, who will control the situation. I think the language bears out what I say:

Whenever under sections (those enumerated) any action is authorized or directed to be taken by the Governor in Council or by order in council, such action with respect to the officers, clerks and employees of the House of Commons or the Senate shall be taken upon a resolution of the House of Commons or of the Senate.

That is to say, the order in council shall be passed upon a resolution of the House of Commons; that is obviously what it means. Instead of that, I suggest the section should read this way:

Whenever (under the sections enumerated) action is authorized or directed to be taken by the Governor in Council or by order in council, such action with respect to the officers, clerks and employees of the House of Commons and of the Senate, shall be taken by the House of Commons or by the Senate,

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as the case may be, by resolution, and with respect to the officers, clerks and employees of the library of parliament, and to such others as are under the joint control of both Houses shall be taken by both Houses of parliament by joint resolution.

Mr. FISHER. I think my hon. friend is right, and that the words should be: 'Governor in Council upon a resolution of the House.' That was the intention. There is another point with regard to the employees of the House of Commons which was brought up and which I promised to take into consideration. I proposed to provide for that by the following amendment:

48. Nothing in this Act or the Civil Service Act shall be held to curtail the privileges now enjoyed by the officers, clerks and employees of the House of Commons or of the Senate or of the library of parliament with respect to attendance, office hours, leave of absence or with respect to engaging in such employment during parliamentary recess as may entitle them to receive extra salary or remuneration.

I think this will conserve to the employees of the House of Commons all privileges and rights they now have outside of the session of parliament.

Mr. R. L. BORDEN. Are the words 'extra salary or remuneration' intended to refer to salary outside of the salary or remuneration which they receive from the government?

Mr. FISHER. To anything; to any employment. They include that. This provision is intended to meet the case of 'Hansard' reporters especially who often work for commissions which work would probably be under the government.

Mr. R. L. BORDEN. The words 'in any other employment during the parliamentary recess,' it seems to me, would meet the case.

Mr. FISHER. I do not think that would do, if they were employed by the government and had to be paid by the government, because there is another section which would prevent them from getting paid by the government for any work of that kind. These words were put in to cover that.

Mr. BERGERON. As it is now can they work for some other department of the government and get paid for it?

Mr. FISHER. Yes, and this conserves that.

Motion agreed to.

Section 10 reconsidered.

Mr. FISHER. Section 10 was asked to be allowed to stand so that I might consider a suggestion of the hon. member for North Toronto. I have examined the wording of his proposed amendment which I do not think fits in very well. I would be will-