

Saving all rights and privileges of either House in respect to appointment or removal of its officers and servants.

Under the Civil Service Act of 1908 we allowed appointments to the staff of the Senate to pass out of our hands, but, as I understand it, we still retain the right to say whether we desire any member of our staff to be removed. I do not think we should now allow this alteration to be made without at least uttering a protest against it. The other day the Senate thought it wise to adopt an amendment to the Civil Service Act stating their position—that they desired to take the staff of the Senate from the control of the Civil Service Act and place them back in their previous position under chapter 17 of the Revised Statutes. Our action in that case did not meet the approval of the other House in respect to the appointment and removal of the officers and servants of the Senate; and I think we should register our objection to what is being done now under this Act, and maintain that the Senate should still have the right of being consulted and of saying whether they desired that the members of their staff should be removed or not.

Hon. Sir JAMES LOUGHEED: I do not quite appreciate the point made by my honourable friend. Do I understand the objection to be to section 1 of the Bill?

Hon. Mr. BOSTOCK: No, it really comes in under section 2.

Hon. Sir JAMES LOUGHEED: Whatever is done, the report of the Civil Service Commission to the Governor in Council must necessarily be based upon the report which hereafter will be made to the Commission by the officer of this House, that is, the Deputy head, who is the Clerk of the Senate. The Clerk of the Senate—

Hon. Mr. BOSTOCK: Is appointed by the Government.

Hon. Sir JAMES LOUGHEED: Is appointed by the Government, but he makes his report to the Civil Service Commission. The Commission does not act on that report; it is submitted to the Council. The Civil Service Commission act only as a conduit for conveying that report to the Governor in Council.

Hon. Mr. FOWLER: I do not quite agree with that. If the honourable Leader will pardon me, I would draw his attention to the first two lines of subsection 1 of section 2:

The Civil Service Commission shall, immediately after the passing of this Act, and after consultation—

Hon. Mr. BOSTOCK.

They consult with the deputy heads, but they do not necessarily follow the advice of the deputy heads; they make a report after consultation with the deputy heads. That is, they are supposed to consult with the deputy heads, but they are not supposed to report in accordance with that consultation.

Hon. Sir JAMES LOUGHEED: But will my honourable friend peruse the Bill further, and it will be seen that the Civil Service Commission is simply used as a means of communication between the Deputy Head of the Senate and the Governor in Council. He reports to the Civil Service Commission certain facts; they embody those in a report as to all departments of Government; and then that report goes to the Governor in Council, and the Governor in Council acts. There is no discretion vested in the Civil Service Commission.

Hon. Mr. FOWLER: I do not agree with you there.

Hon. Sir JAMES LOUGHEED: As we go through the Bill we will come to that; but it seems to me that this proceeding contemplates a report being obtained from all the branches of the Government service. Deputy heads of all the branches will be appealed to by the Civil Service Commission to prepare a report along the lines mentioned in the Bill. It does not seem to me to be a matter for the exercise of discretion on the part of the Civil Service Commission, but the discretion must be exercised by the deputy head of the department. He reports one fact, namely, those who are sixty-five or over; he reports other facts, as to those who are inefficient, etc.; so that the discretion is exercised by him. He conveys that report to the Civil Service Commission; they embody it all in one report, and it comes to the Governor in Council, and the Governor in Council acts.

Hon. Mr. FOWLER: The very fact that they embody it in one report makes it a report of the Civil Service Commission, and not that of the deputy head. They get their information from the deputy head. They can get it from anybody else. They are supposed to consult with him, but they are not confined to the deputy head for the information they receive, and they are not obliged to act as a mere conduit, as has been said, but they make a new report; it may be founded more or less on the information they receive, but that is absolutely as they see fit. This report may not take into consideration one iota of the report that has been made by the deputy head, and yet it is the report upon which the Government must act.