

Mr. FOSTER. The minister will remember that on section 10 I proposed that there should be some extension of (b), and I thought the minister was favourably inclined to that. The suggestion I made was to add these words

Of its own motion to investigate and report upon all matters relating to the enforcement and effects of the Civil Service Act or of any regulations made thereunder.

That would cover subjects on which the commission, with their constant working and familiarity with them, should be at full liberty to look into and express their opinion upon at any time; so that the government, and especially the House, might have the benefit of their experience and recommendations.

Mr. FISHER. I do not know the whole bearings of what my hon. friend suggests. I would rather be disposed to suggest that the clause be left as it is, and if we find that there is any restriction on the work of the commission such as my hon. friend seems to fear, it will be very easy to amend that so as to give them power, which may be more clearly in our mind when they make their report. We shall probably appoint the commission immediately after the Act comes into force, and if they indicate in their report in any way that they want further power, it will be very easy on their suggestion to make the necessary amendments.

Mr. FOSTER. I do not think they would make any suggestion unless they had the power given them here. I do not think they would go outside of their legal power. What I wanted to give them was a basis for exercising that power. Under this section they would have power to look into any violation of the Act which might be brought to their notice or which they might notice themselves, but they could not go any further. We ought to give them the right to express their views on that matter.

Mr. FISHER. We might go on with another section in the meantime, and I will consider that.

Mr. CONMEE. Is it intended that the commission shall have power to regulate discipline?

Mr. FISHER. No. I think the question of discipline in the departments would have to be left to the officers of the departments. I do not think it would be a good thing for an outside body to go in and discipline a department. For instance, the authority of a deputy minister over the clerks under him would not be complete if the commission, who could not know the personnel or the duties of the officers as well as the deputy minister, could exercise discipline in the department. I think it would be very detrimental indeed.

Mr. CONMEE. There is the other view, that there might be partiality in the department in the assignment of work. The English commission has power to regulate discipline. One of the objects of appointing a commission is to improve the service in the departments. Otherwise the head of the department might, in the interest of his friends, do many things not in the public interest. If my information be right, that sort of thing has often been done in times gone by.

Mr. FOSTER. I would be very doubtful about authorizing the commission to discipline any branch of the service. The commission should be given full powers to make suggestions and to make any examination they consider necessary before making suggestions, and then throw the responsibility for action on the minister and parliament. That is as far as we could go, and I have been labouring with the minister to let us go that far. We have gained a little step. The commission can look into any violation of the rules and duties and report, and it will be for the minister to act, subject to his responsibility to this House. But for the commission to go into a department and attempt to discipline A, B or C would derogate entirely from the control and foremanship of the deputy minister who ought to be a vital force. I agree with my hon. friend that under most human conditions there will be occasions of favouritism probably, but those will have to be watched by the minister. If they are gross, they can be pointed out by the commission and the minister held responsible.

Mr. CONMEE. If my information be correct, there may be a good deal more onerous duties imposed on one officer than another who may receive less pay.

Mr. FOSTER. That is true.

Mr. CONMEE. Of course the commission have the power to report, but considering the hon. gentleman's amendment as far as I can grasp it, I do not think it goes as far as the proposition he submits.

Mr. FOSTER. My trouble is I cannot get the minister to go any further. If I could get him to go that far, I would be satisfied for the present.

Mr. FISHER. In any case such as the hon. gentleman speaks of, the head of the department might ask the commission to make a report.

Mr. CONMEE. My object is not to leave it to the head of the department. I think the head of the department requires discipline just as much as some of the officers under him.

Mr. FOSTER. A good deal more.

Mr. FISHER. He is amenable to parliament.