

*Financial Administration Act*

**Mr. Benson:** I do not think the government as such in a collective agreement could undertake to change a statute.

**Mr. Knowles:** I did not say "undertake to change it"; I said "undertake to seek the change".

**Mr. Benson:** The government at any time could, outside the House of Commons, state that it intended to undertake to change a statute; but this in itself does not change the statute. I do think any government in collective bargaining, if a matter of superannuation were considered, could say that it would take this under consideration. This is a matter for decision by parliament, and if the government indicated in a collective bargaining agreement that it would change a statute of parliament, everyone in this house would say that it was overriding the powers of parliament as such.

**Mr. Lewis:** The minister is misunderstanding the point, if I may respectfully say this to him. There are two stages. One is the collective bargaining itself; the other is the actual document in which the agreement is embodied. The minister is quite right that clause 56 states that the collective bargaining agreement cannot provide for some term that is not consonant with the acts set out in schedule C. Certainly he is right. Obviously one could not oppose that, because if you have an act of parliament that sets certain standards, you cannot by a collective agreement amend the act of parliament. No one has suggested that.

What I believe my colleague the hon. member for Winnipeg North Centre has in mind, and what I should like the minister to say, is that so far as he is concerned, as the President of the Treasury Board, there is nothing to prevent a staff association putting on the bargaining table matters relating to superannuation and that the government, through the Treasury Board, will be prepared to discuss superannuation at the bargaining table. What the result of that discussion will be, if there is agreement between the Treasury Board representatives and the union representatives, may have to go to the colleagues of the President of the Treasury Board, and he may have to persuade them to make certain amendments to the Superannuation Act. We should like to have on the record, however, a clear statement that superannuation is properly a matter for consideration at the bargaining table.

[Mr. Knowles.]

**Mr. Benson:** Mr. Chairman, any matter to be raised in the process of collective bargaining could include superannuation. What I was attempting to stress was the fact that the collective bargaining agreement as such could not amend an act of parliament. Certainly the matter can be put forward by the employees or by the government. It can be considered and the government then, outside the collective agreement, can indicate it might be willing to undertake certain proposals in respect of amending the particular legislation.

**Mr. Lewis:** Perhaps the minister can make this a little clearer, without some of the reservations which his words convey. Are there some areas in which the employer—in this case the Treasury Board—would be fully justified in saying that this is not a matter for collective bargaining? When the area is classification of employees, and so on, we may be certain that superannuation or any matters covered by the acts set out in schedule C are not necessarily excluded material from collective bargaining.

**Mr. Benson:** These are not exclusive managerial decisions, as are such things as classification, whether my hon. friend likes it or not in the present legislation.

**Mr. Bell (Carleton):** Mr. Chairman, there is one point arising out of subclause 2 upon which I should like to make a comment. This is the clause under which the Treasury Board is authorized to exercise the power of the governor in council under certain acts.

● (8:40 p.m.)

Paragraph (f) is a general provision which reads as follows:

such of the provisions of any other act respecting any matter in relation to which the Treasury Board may act for the Queen's Privy Council for Canada pursuant to subsection 1 as may be specified by the governor in council.

I would hope that this authority for delegation would be used as sparingly as possible and only for a very good reason. The President and Secretary of the Treasury Board and I, have argued the question related to the production of minutes of the Treasury Board in the house. The President and the Secretary of the Treasury Board have taken the attitude that the minutes are not subject to production in the House of Commons as are orders in council. If the governor in council acts, then the house may get the documents, but if there is a delegation of authority to the Treasury Board then the President of