

Supply—Finance

Mr. Fleming (Eglinton): Mr. Chairman, I think we should consider these items one at a time. Item 683 is intended to give retroactive effect to 1954 to one of the amendments passed to the Public Service Superannuation Act at the 1960 session of parliament. I think the hon. member will recall the amendments to section 8 of the act which were introduced last year.

A question has arisen as to whether those should not be made retroactive. This could be called an act of grace on the part of parliament.

Mr. Benidickson: I am thinking more of whether or not there is a future effect.

Mr. Fleming (Eglinton): They have a future effect only in the sense of having permitted a retroactive effect to the 1960 amendment; so that they may have effect from January 1, 1954, these benefits will be available to those whose claims under section 8 of the act would have come into existence between 1954 and 1960. I would be the first to say it would have been better if this matter had been taken care of at that time. However, under these circumstances, it was felt this was the most direct way of accomplishing the purpose now because the numbers affected by this item are quite small.

Mr. Benidickson: The numbers affected are quite small, and that excuses the failure to introduce an amending bill.

Mr. Fleming (Eglinton): The effect of this—

Mr. Benidickson: It appears that something was overlooked when we had the amending bill before us in 1960. This may be the easy method of accomplishing the purpose, Mr. Chairman, but I just raise the point that this is a back door method of legislating which has been criticized in the past. This item will have the same force as if an amending bill to the Public Service Superannuation Act had been introduced because next year it will not be necessary to have anything along these lines in the estimates. The administrative officers of the crown will be able to take this language as being equal to an amending bill approved by parliament.

As I have pointed out to the committee, the danger of this type of item is that it will have exactly the same force and effect as if we had had a formal amending bill to a public statute approved by parliament. This item will not appear in the index to our public statutes, so it will be difficult for members of parliament to find this amendment. Those who are expert in these matters, of course, will have in their offices a reference to an obscure item in supplementary estimates No. 5 of the session of 1961. Other people looking for this authority, however,

[Mr. Benidickson.]

will not find it so easily. I say this is a rather obscure method of legislating.

Mr. Fleming (Eglinton): I have just two brief observations. The first is that a reference is made to these amendments in the index to the public statutes. The second is that what is proposed here is of a financial nature. It means, in effect, that permission is given to grant a waiver. That is the reason the procedure of an amendment in the estimates is suitable.

This particular item, No. 683, is intended to authorize and validate the returns of contributions on the part of the superannuation account. This takes care of cases where contributions will be permitted to be returned to employees who ceased to be employed for a second time following two periods of employment which were separated by an interval of less than a year. There were several cases where payment of return contributions was, in fact, made by mistake so this retroactive effect is required to validate those, while future returns of contributions in similar cases simply permit equal justice to be done in all these cases.

Item agreed to.

685. To provide that any reference to the "Civil Service Superannuation Act" in subsection (5) of section 20 of chapter 38 of the Statutes of Canada, 1960, shall be construed as including a reference to the "Public Service Superannuation Act", §1.

Mr. Benidickson: All of these items are of a similar character. I know the minister will take notice of the objections and perhaps give consideration to dealing with such matters next year, if they are of sufficient importance, by way of an amending bill to the particular statute. The minister will realize that if amendments are made in this way next year with any degree of frequency, he will meet with similar objections to those which have consumed the time of the committee. I suggest to the government and to the minister that they give consideration, in future years, to the introduction of amendments to the statutes themselves, if the matters are of sufficient importance to warrant this course.

Item agreed to.

Mr. Chevrier: Ten o'clock.

Resolutions adopted in committee of supply this day reported and concurred in.

BUSINESS OF THE HOUSE

Mr. Chevrier: I take it that we will be dealing with supplementary estimates tomorrow and Wednesday.