

But in the broad principle we could not bring into effect the remedial portion—namely, the increased benefit—without, at the same time, invoking the charging provision in the form of the increased contribution.

Of course, there is objection to making charging legislation retroactive. But that probably is not the most serious question of all here. I have no doubt that those who would have been brought in by some retroactive provision would be quite happy to pay the modest increased contribution that would be involved. But, again I come back to it: no matter what date you choose, you are going to be up against the same problem. It is regrettable, but it is just inescapable.

Mr. HICKS: When this parliament is adjourned, will royal assent be given to it before the House adjourns?

Mr. FLEMING (*Eglinton*): Yes, it could be expected that royal assent would be given to this bill, if it was passed in both houses, not later than the time of prorogation. Whether there will be occasion for royal assent of other bills in the meantime, I do not yet know; but, in any event, I should say that if this bill commends itself to both houses of parliament, we may expect royal assent will be given not later than the date of prorogation of the session.

Mr. McILRAITH: There is one other general matter I might raise. Without stating a case in detail, because it has been brought up before, many times—in fact, each time the Superannuation Act has been amended since 1944—there are certain of these old retirement act cases in which it was claimed by individuals that they were entitled to retire under provisions that would take into account a 5-year term in computing their superannuation benefit. But it was held that they were only entitled to come under the 10-year provision.

Now, there are very few persons involved, but there has been a lot of argument about the fact that the benefit itself was an *ex gratia* payment. In any event there was no way of ever getting the matter before the courts. There have been long exchanges of technical arguments about it. I understand that some of these individuals have submitted briefs raising this question again as to why they cannot now come under the six-year rule, since they feel that they were always entitled to it,—and indeed had a case prepared that looked very strong, and indicated that they were entitled to come under the five year rule.

Has that situation been looked at by the officials?

Mr. FLEMING (*Eglinton*): Yes, it has, Mr. Chairman. If those persons are still employed in the public service they will receive the benefit of this legislation and the six year best average rule. Of course, if they had retired prior to this date, then they will not receive the benefit of this new rule.

Mr. CARON: With no retroactive contribution?

Mr. FLEMING (*Eglinton*): Yes.

Mr. HICKS: Some forty years ago the basis was 5 years, and that was changed to 10 years.

Mr. FLEMING (*Eglinton*): That applied to certain persons in the year 1924.

Mr. MORE: Was the deficit of the fund the responsibility of the government?

Mr. FLEMING (*Eglinton*): I suppose in an ultimate sense, yes. In the sense that the government recommends legislation to parliament it is a public responsibility, because parliament has decreed that benefits at these rates shall