

Canada Pension Plan

kind. I suggest there will have to be some cogent evidence of poor health before the minister will make an inquiry, but I think it would be perhaps harmful to the individual to spell out specifically the type of evidence involved. There must be discretion so that the minister can consider the whole question and decide that if there is something wrong, an inquiry should be instituted. I might add that there will have to be sufficient evidence before a minister will interfere with the ordinary course of law.

Mr. Barnett: Mr. Chairman, I am trying to picture the situation as it will exist several years from now when the minister may or may not be in the position she now occupies, and I may or may not be in the position I occupy as a private member of this house. I am sure that all hon. members of this house who have had some experience will realize that often people approach members of parliament with a grievance to the effect that a minister of whatever department may be involved has taken certain arbitrary action to deprive someone of a pension. Very often quite extensive files are built up regarding particular individuals and situations as related to eligibility for pensions, whether they be pensions under veterans affairs legislation or otherwise. A great many people over the years, for one reason or another, have felt that they have been arbitrarily aggrieved by the actions of a minister or someone under the minister's responsibility. For that reason I am rather concerned about this proposal.

This question immediately occurs to me. What right of appeal does an individual have against the ruling of a minister under this clause? What documentary reference will there be to evidence upon which a decision has been made, and will this evidence be available to the individual affected? For instance, in the case of an appeal of a decision made by the department of immigration, neither the individual concerned nor the member of parliament who has been asked to look into the circumstances is entitled to the background information on which the particular ruling was based.

I agree with the minister that there will not likely be thousands of this kind of case occurring, but it is these borderline situations which are brought to the attention of members which gives me cause to feel that this is an important matter. We should have a clearcut understanding in this regard before we allow this clause as it stands to pass.

There is nothing basically wrong with the idea proposed by the clause, but there is a question in respect of an arbitrary decision made by a minister based on rules which, as far as I can determine, are not tied down to any legislation or set of regulations which will be brought forward. This may seem to be a small point, but for the reasons I have outlined I think it is one of some importance.

Miss LaMarsh: During my brief experience in this portfolio, of less than two years, I have found that the difficulties do not arise as a result of the exercise of a minister's discretion, but rather because of the fact that the legislation involved has not provided any ministerial discretion. For that very reason this legislation was prompted. The purpose of this bill is to give people pensions, but it is not intended that people should be allowed to raid the treasury. It is not intended that in order to obtain a pension someone should be allowed to marry some nice old codger who is about to expire. Some of us might look for that sort of way out, but most of us have to work for a living.

It does seem to me that my hon. friend will agree that the type of case we are discussing will have to be pretty clearcut, and that in the event someone does try to raid the fund in this manner it will be clear not only to the minister but to any member who is approached that such is the case, and that the minister's discretion should be exercised against the individual. Mr. Chairman, I really cannot say more than that in an attempt to assure my hon. friend about this situation. Deserving widows will receive pensions; but certain individuals of my sex, who are commonly known as scheming goldiggers, will not have a chance.

Mr. Douglas: Mr. Chairman, I assure the minister that the idea of preventing individuals from raiding the treasury is a commendable one, and I assure the minister that I believe there should be discretionary power in this regard. However, the power the minister will have as a result of this clause will be wide, and it seems to me that some right of appeal ought to be given to individuals who feel that all the factors have not been examined.

There are many cases in which the minister will have to exercise almost the judgment of a court: Was the male pensioner mentally stable or mentally reliable at the time he got married—which raises the wider question, is any male mentally responsible at the time of marriage? The question the minister will then