

*Canada Pension Plan*

17 to 20, on page 22, "notwithstanding any other act," whether it be of this parliament or of a provincial legislature.

We have the presumption to say in this bill that we will put aside all other acts and all other rights and that the employer will be required to do what he must under the terms of this bill, notwithstanding what the Minister of National Revenue may want to do with regard to income tax or with regard to customs and excise, or what the Minister of Labour requires with respect to the Unemployment Insurance Act.

Under this bill the minister may require a person to do something which is completely contrary to the requirements of other acts. What presumptuous nonsense is this phrase, "notwithstanding any other act or law." I request the minister to stand this clause.

**Mr. Benson:** Does the hon. member realize that the presumptive nonsense he is complaining about in this clause is exactly the same as the section which Hon. Donald Fleming put into the Estate Tax Act?

**Mr. Lambert:** The fact that it was done once before does not mean that it should be done again.

**Mr. Munro:** Especially if there was a change of government in the meantime.

**Mr. Lambert:** I could not care less if it was done under a previous administration. If it was wrong then it is wrong now.

**Mr. Benson:** You did not say it was wrong then.

**Mr. Lambert:** The minister was a member of the chartered accountants profession. Did he protest about it at that time? If I were perhaps neglectful at that time in not being aware of every provision in the Estate Tax Act—and I am taking the minister's word that this provision is in it—then I will say *mea culpa*; I will admit my error. But I do not think that just because it was put in one act it should be carried on further. I cannot protest strongly enough against this sort of bureaucratic presumption on the rights of individuals.

I am sorry I did not have the opportunity to advise the hon. member for Perth that we would like to have this clause stood, because I was occupied with other things; but having looked at it I plead with the minister to have it stood and rewritten in language that is more amenable to the rights of individual citizens.

[Mr. Lambert.]

**Mr. Olson:** Notwithstanding the minister's explanation of what can be done under subsection (3) the fact remains that subsection (1) (b) says that persons authorized may seize and take away—

—such books, records, writings or other documents and retain them until their production in any court proceedings is required.

We have to presume that that means what it says. The minister has attempted to explain that under the provisions of subclause (3) it would be possible for the department to make photostats and to return the books, documents and so on to the place of business, providing that the photostats would be admissible as evidence in court.

He also tried to explain it away by saying that the individual involved may at any reasonable time have access to such records if he requires them in the pursuit of his business. But if a set of books were seized in Medicine Hat I point out that a businessman would be required to travel 200 miles to have access to them at any time.

We all know of cases where the production of the books in court may make it necessary for the department to hang on to them for several months. Therefore, notwithstanding the minister's explanation about photostats, he and his officials do have authority to hold on to such books until court proceedings are held.

The hon. member for Queens-Lunenburg suggested a limitation of 10 days on their retention. It may not be convenient or possible to have full photostats made within 10 days but I believe there should be a reasonable time limit in order to protect the rights of individuals. Toward that end I suggest a limitation of 30 days.

**Mr. Harkness:** Mr. Chairman, I should like to support the representations made by my colleagues that the powers conferred by this clause should be curtailed. To me the most objectionable feature of it is that not only does it give powers to a designated person to enter business premises and make a search, but it enables such a person to enter a private home and do the same sort of thing.

Practically all farmers in the country who employ hired help keep their records in their homes, perhaps in desks in their living rooms, and under the provisions of this clause the official designated can enter their homes. It says that at any reasonable time—and I suppose this means any time except the middle of the night—any authorized person has full power to go through all private papers of the family, including a wife's private correspon-