

Canada Pension Plan

I presume the basic idea, suggested I believe by the minister a moment ago, is that there are certain females who might be inclined to marry elderly gentlemen with the anticipation of a pension. The hon. member for Burnaby-Coquitlam suggested that that was the hard way to earn a pension, but I think there should be some clarification regarding the other side of the coin, namely as to just what is anticipated in order to protect the pension rights of a spouse. What steps will be required by the minister so that there will not be a problem where there should not be a problem.

Miss LaMarsh: It will be appreciated that there is an amendment to subclause 8 of clause 62 which was made by the committee. This amendment makes two changes. The first change restricts its application to a case where the contributor dies within one year of his marriage so there is no reduction of a widow's pension where a contributor dies more than one year after the marriage.

The second change establishes a new test for the application of the rule, namely whether a contributor was in such a state of health at the time of his marriage as to justify his expecting to survive for at least one year; in other words, the expectation based on his state of health will then become critical. Whether or not the anticipation of impending death was a factor in the marriage is no longer relevant, except in relation to the question of the contributor's health at the time of his marriage. Under the amended provision it will not be necessary to consider each and every case occurring within a year. It will only come into operation where there is some positive evidence before the minister that a contributor's state of health did not in fact justify an expectation of life for more than one year.

Mr. Barnett: Mr. Chairman, I was referring to the clause as it would be following the proposed amendment by the committee. I am still not sure in my own mind as to just what evidence of satisfactory health is to be required. In other words, if it is intended that as a matter of routine every couple prior to marriage should anticipate obtaining a certificate of health in order to ensure that in the unfortunate event the husband died before the end of the first year the widow would be eligible, this should be publicized.

Miss LaMarsh: Mr. Chairman, this principle does not involve a positive thing, as I explained. The minister is not going to be

[Mr. Barnett.]

concerned with every case, but will be concerned with only those cases in respect of which there is evidence of poor health to the extent that there was not a normal expectancy. The minister will not be concerned with each case to find the extent to which there was normal expectancy, but will be concerned, rather, in a negative way in those cases where some evidence is brought to the minister's attention that there was poor health and an attempt to raid the pension fund by an early marriage. This will be a reversal of the usual situation.

Mr. More: May I ask the minister where she expects that this information will come from, and could the possible source be someone who is annoyed with the individual applying for a pension?

Miss LaMarsh: The information could come from a divorced first wife, a doctor, a lawyer or from other siblings. We must realize, of course, that if there is a second surviving spouse there will be other individuals interested in the estate. Presumably a surviving spouse would not only inherit the pension benefits but other things, and if there is something rotten in Denmark I am sure somebody will nose it out.

Mr. Barnett: Mr. Chairman, I am still not clear as to what evidence the minister will require in a case of this kind in order to commence an investigation. It seems to me this is the type of situation where there could be a great number of difficulties. Will the kind of evidence required by the minister be defined by regulation? I accept her suggestion as to the negative approach, and I agree that this is probably the right approach; but I feel that this is not really pointed out by the legislation. The legislation does not refer specifically to the nature of evidence which will be required by the minister before she can act upon it. What kind of evidence would give the minister the authority to disallow a pension? It seems to me that it is rather important to point this out clearly.

Miss LaMarsh: I do not anticipate that a great number of cases will be covered by this proposed legislation, but I do suggest to my hon. friend that it would not be a good thing to tie the department down tightly in this regard. There will be the odd case in respect of which the minister will have to be satisfied as to eligibility. The whole purpose of this part of the bill is to provide survivors' benefits, as well as benefits to the contributor. It is not restrictive, but rather more liberal than most legislation of this