

Canada Pension Plan

Unfortunately, Article 9 of the Statutory Instruments Act (1971) states in effect that it is not possible to make a regulation retroactive if the act pursuant to which the regulation is made does not provide for such retroactivity. The Canada Pension Plan does not, and so an amendment is necessary to give effect to the back-dating of coverage.

This problem may well arise again in the future. Any international negotiation is lengthy and detailed, which invariably means that the effective date of the agreement is prior to the actual signing, and consequently the general power provided in the amending clause will also sanction this combination of circumstances in the future.

[*Translation*]

As regards clause 6 of the bill, this technical amendment relates to the appeal procedure. In certain cases the decision rendered by the review committee—second stage of the procedure—is favourable to the claimant but the administration cannot approve it because this is found contrary to the law and jurisprudence established by previous decisions. Therefore, those cases can be brought before the Pension Appeals Board made up of judges which is the third and last stage of the appeal procedure. As a rule and until now the board has confirmed the decisions rendered by the administration.

However, it is admitted that within this process some respondents may be disadvantaged, mainly because of a lack of resources since at those hearings the Crown is represented by a lawyer from the Department of Justice whereas quite often the claimant cannot afford a lawyer and pay for the fees. It is therefore proposed to make a technical amendment which would permit the administration to pay reasonable fees to the lawyer chosen by the claimant to represent him. In effect, under the current law, the claimant is unfortunately not entitled to such compensation.

[*English*]

In this respect, I should like to thank hon. members on both sides of the House who, on numerous occasions, have drawn this point to my attention. Their representations mainly concerned the fact that the Canada Pension Plan authorities had appealed decisions, which had been rendered at the second level of appeal, and which were so to speak, in favour of certain citizens. Unfortunately, as I say, the administration had no choice except to appeal some of those decisions, because they did not appear to be consistent either with the act or with the established decisions in this area. It was not always found possible to go along with the decisions made at this second level of appeal as some of those decisions were contrary to the provision of the Canada Pension Plan itself. I think that the present approach at least will permit any citizen of this country to avail himself of the appeal process under the Canada Pension Plan. No longer will he find himself unable to go before the highest appeal tribunal because he himself has not enough resources to pay for the services of counsel.

[*Translation*]

Finally, clause 7 is related to the Auditor General's authority. During a meeting of the Committee on Public Accounts, the Auditor General's office requested that the Canada Pension Plan include a specific provision calling

[*Mr. Lalonde.*]

for an audit of accounts by this office; in this connection, they pointed out the recent amendment to the Unemployment Insurance Act. Therefore, the last clause is the counterpart of the provision already included in the unemployment Insurance Act.

Mr. Speaker, what I have just said shows that the amendments I have outlined—some of which rest on humanitarian grounds, others on administrative grounds—will contribute to provide for a Canada Pension Plan that will work better and that will meet Canadians' needs. Of course, more important amendments are being discussed with provinces and, as I said earlier, we hope to be able to introduce soon a bill in this connection. In the meantime, we must concentrate our attention on the technical amendments that were proposed today. I hope that when these amendments are considered in committee, we will have the opportunity of debating in depth other problems that were raised, particularly about the possible exemption of specific religious groups.

[*English*]

Once more, in conclusion, I wish to thank hon. members for their contributions in this debate and their thoughtful remarks both for and against certain amendments. I am convinced that discussion in committee will clarify certain points. I am sorry that certain members on the opposite side feel that they cannot support this particular amendment. I am happy to see that, at least, the official spokesmen of all parties are supporting this particular amendment and this particular bill. I hope it will receive quick and early approval by this House.

• (1550)

Mr. Beatty (Wellington-Grey-Dufferin-Waterloo): Will the minister permit a question?

Mr. Lalonde: Yes, Mr. Speaker.

Mr. Beatty (Wellington-Grey-Dufferin-Waterloo): First, I apologize to the minister for re-opening this subject after he has concluded his remarks. I have one short question. It arises from the concern expressed to me by a number of members of the Mennonite community about some of the pressure on those who followed the tenets of their religion and did not make contributions to the Canada Pension Plan for the taxation year 1971. They have asked that the government give consideration to the possibility of, not refunding the money of those who paid in for 1971, but simply excusing the money owed by those who did not pay in 1971. I want to ask the minister whether this would be acceptable and whether further legislation will be brought in along this line. In other words, if it is just and humane to recognize the religious freedom of minority groups after January 1, 1972, why is it not just and humane to recognize it before that date?

Mr. Lalonde: I thank the hon. member for his question. He asks why January 1, 1972. It is because we have to set some date at some stage. With regard to the possibility of the amendment which the hon. member has raised, I would like to discuss this with my colleague, the Minister of National Revenue (Mr. Stanbury), who is responsible for collecting the contributions. When this matter is discussed in the standing committee, I will be in a position to