

Canada Pension Plan

procedural standpoint. I would ask them to confine their remarks at this point to the procedural argument as to whether or not the bill is acceptable. I will then make a ruling, and, of course, if I find the bill acceptable we could embark on the substantive debate.

Mr. Heath Macquarrie (Hillsborough): Mr. Speaker, I have been reflecting upon Your Honour's words and consulting authorities, both living and dead, in the weeks since.

Mr. Knowles (Winnipeg North Centre): Which were the more helpful?

Mr. Macquarrie: The words of the living ones were more readily accessible and more voluble. I base my right to proceed on the grounds that this measure, in fact, is not a levy upon the revenue of this country as set forth in the statutes of this country and in the Standing Orders of this House. If I believed that the enactment of such a bill did in fact appropriate a part of the public revenue, as understood by the statutes and by our rules, if I thought it was a tax or an impost, I would realize of course that we would require a recommendation to this House accompanied by a message from the Governor General. The pension plan fund is, however, not a part of the public revenue, nor is it funded by the collection of any tax or impost. Moneys are not public revenue, taxes or imposts merely because they are collected by or paid to a public officer of the government of Canada. What we have here is a measure dealing with contributions. In the government publication "The Canada Pension Plan", put out by Information Canada over the signature of the present Minister of National Health and Welfare (Mr. Munro) we find the following opening statement:

The Canada Pension Plan, inaugurated in 1966, is a contributory social security program designed to provide a basic level of protection against the contingencies of retirement, disability,—

In other words, the moneys whereby a measure of justice would be given to the recipients of the Canada pension cannot be a result of a tax imposed by this legislative body, rather do they come from those funds which are contributed by the would-be pension recipients. I do not want to labour at length on this, but the whole discussion of the Canada Pension Plan in this House offers what I believe to be very helpful suggestions for underpinning my faith in the procedure upon which I am not engaged.

The resolution introducing the Canada Pension Plan reads in part:

—to provide further that all expenditures under the Canada Pension Plan, including costs of administration, shall be financed from contributions by employees, employers and self-employed persons.

Very clearly, the whole operation, administration and otherwise, once the pension plan has been set up as it has been for several years, is dealing with contributions. This is something quite different from the restriction which is placed upon us in this House in reference to taxes and levies of that kind.

I think that there may be some living authorities about us who might want to assist Your Honour on this point.

[Mr. Deputy Speaker.]

Mr. J. A. Jerome (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, I confess that I do not have the substantive material before me which I would like to have to assist you, but I simply wanted to comment, before you made your ruling on this, that the test is not simply whether the funds which make up the pension fund itself come entirely from contributions and therefore whether those funds would be used or disbursed in a different way. The test has to go beyond that to see whether or not in the implementation of this legislation further federal expenditures would have to be made by the government. If the result of an increase in benefits paid under the scheme is to cause in any way, directly or indirectly, an increase in federal contributions or federal administrative costs of that scheme or expenses by the government, which of course have to be drawn out of the revenue, then the legislation is repugnant without the proper recommendation from His Excellency.

That is a very general comment, but I confess that I do not have the details of the plan before me at present.

Hon. Marcel Lambert (Edmonton West): I recall that there have been discussions with regard to this point in the past and that there have been some rulings. If I may say with the greatest respect, some of them have been at the time rather confusing and, I think, erroneous in that if one examines the Canada Pension Plan there is not one penny's contribution from public funds to the administration. The act is very specific in this regard, that the contributions from individuals and from employers constitute the sole source of the funds plus the earnings on the loans made to provincial governments. These are the sources of revenue for the fund, and there is no provision whereby, if there is an increase in payments to any individual, whether by direct change in the scale of payments, this increase in payments to survivors would be chargeable to the Crown. It will not disturb ways and means one iota. Therefore, I put it to you that hon. members of this House are within their entire competence in putting forward amendments to a public act, such as the Canada Pension Plan Act, whereby the payment of benefits under the act may be varied, and that is all that the bill of my colleague attempts to do.

• (5:10 p.m.)

I invite any of the hon. parliamentary secretaries who may wish to attack this point of view to point out where in the act there is even one split penny that comes from the public purse and that has to be provided by ways and means. Therefore, since there is nothing whereby ways and means is affected, it is fully within the competence of hon. members, whether on this side or on the opposite side, to move an amendment to the act, and it does not require a recommendation from His Excellency nor a bill to be brought into the House by a member of the government.

Therefore, I put it to you, Mr. Speaker, that the point of order taken by the government representatives, challenging the competence of my colleague from Hillsborough in putting forth this bill, is not well founded.