

Canada Pension Plan

do. In addition to that, certain documents might be kept in a safe or a vault classed as property. I am informed by the draftsman that this provision is necessary in order that the officials will be able to get at the documents involved, as well as seize the documents themselves.

Mr. Barnett: Perhaps that is satisfactory, as long as this is clearly understood by the departmental officials; but the words "any property" are pretty broad, particularly when associated with the reference to the right to enter a residence. There is a connotation in this provision which I am sure none of us would want to see related to the acts of any officers of the department, because this might lead to an unwarranted intrusion on the privacy of an individual.

Mr. Benson: This provision provides that this entry and seizure must be for the purpose of administering this act and cannot be used by any of my departmental officers for the purpose of snooping, or anything of that sort.

Mr. Barnett: I hope all your officers will understand the context in which this phrase is used.

Mr. Benson: This provision in acts such as this is used only under very unusual circumstances, and I can assure the hon. member that the officials of my department who have to carry out this particular type of investigation are very well versed in the limits to which they should and can go with propriety.

Mr. Aiken: Mr. Chairman, I should like to refer to another point in addition to that raised by the hon. member in relation to the wording of this clause, and I suggest that the minister give some serious thought to amending this clause to make clear that the right to examine books, records and writings or other documents relates only to the provisions of the Canada pension plan. In line 14 of clause 26 the word "any" appears in relation to documents, records, writings or other documents kept therein. I have read this clause very thoroughly and I find nothing in this bill which limits in any way the right of an officer of the department to enter any private place of business in Canada and go through every file, document and every safe in that office whether or not there is an investigation being carried out in respect of this plan. I think one of the most fundamental freedoms Canadians now possess

[Mr. Benson.]

is the right to not be interfered with by inspectors and other persons acting under the provisions of some act of parliament on the instructions of a minister of the crown.

The Minister of National Revenue has assured us that no official of his department would ever go beyond the bounds of normal propriety, but I am sure there have been occasions when such a right has been exercised without the knowledge of the minister. This right is to be given to any person authorized in writing by the minister for any purpose relating to the administration or enforcement of this act. That right is unlimited. All an official must do is state that he is investigating under the provisions of the Canada pension plan and may then examine any book or document that is in an individual's business premises. I think the definition is too broad with the inclusion of the word "any" in the clause.

It is one of those things which causes us some fear. In my view the unlimited right of an inspector to enter the offices of any business firm in Canada and examine any books or records under the pretext or excuse that he is looking for a violation of the Canada pension plan is too broad. This points up the increasing difficulties of private business in Canada in keeping up with the ever increasing amount of paperwork they have to do on behalf of the provincial and federal governments.

As my hon. friend from Queens-Lunenburg pointed out a few minutes ago, the average businessman, whether he employs one person or 100 or 1,000, under the provisions of this act has to set up a bookkeeping system. He has to keep records for all the various departments of government, for income tax, unemployment insurance, workmen's compensation, hospital insurance and so forth. He does not have to do this in some of the cases I have mentioned if he has a small number of employees, but he does have to under the Canada pension plan. Most certainly protests are being made by people operating small businesses who are gradually having to devote more and more of their time to non-productive work in order to keep records on behalf of the government. The provisions of this section and the provisions of all the other sections relating to collections and records are building up a tremendous bureaucratic empire in the whole federal government system.

I want to come to the question raised previously by my hon. friend from Queens-Lunenburg. I cannot see anything in section 26 (3) whereby the department has to return the