

be dealt with if we pay attention to the laws we are passing and to the details and opportunities of those laws. As you can tell, honourable senators, I am very unhappy about this matter. If there are others who share my views, perhaps we can take some better action in studying this matter once more.

The situation is quite clear. Divorce leads to financial inequity. Financial inequity leads to poverty, mostly among older women, and there is a remedy. CPP credits can be split automatically on divorce or the break up of a common law relationship. It is an administrative matter. It requires no additional expenditure of funds. It helps to reduce poverty in old age. It makes the system more fair. It recognizes the contribution of spouses, both those in the paid labour force and those who work at home. It maintains the flexibility of divorce. I urge the Senate to take better action than it is about to do.

Some Hon. Senators: Hear, hear!

Hon. Jack Marshall: Honourable senators, I was at the committee meeting yesterday that was mentioned by Senator Marsden. From the point of view of the bill, I was interested in what was said by the witnesses who appeared before that committee. I was surprised to learn that consultation on the bill started back in 1987.

I raised a few questions, which makes me wonder about the procedures in Parliament and what has happened since the consultation process started back in 1987. The matter was discussed with the provinces. It came before cabinet, and there was a consultation paper which was put before Parliament. That was discussed. Then, all of a sudden, the night before we read the bill, it comes to us and we are supposed to deal with it in its full extent having to do with Old Age Security, family allowances and the Canada Pension Plan.

I would like to read parts of the unrevised transcript of the proceedings of the committee. I asked the following questions:

Senator Marshall: From the point of view of procedure, this was all agreed to by the provinces, it went before cabinet and then they prepared a bill. Where do the Members of Parliament who are elected by the people come into the process? Is it only after the bill is introduced?

Mr. Fortier, whose title I have forgotten, replied:

No. With respect to the survivor's reform, Mr. Epp . . .

I presume he was talking about the Hon. Jake Epp, who was the minister at the time.

. . . presented a series of proposals in a consultation paper that was referred to Parliament for study. There was a study carried out by Parliament and a report prepared by Parliament on the proposals.

Senator Marshall: By Parliament?

Mr. Fortier: By a special committee.

Senator Marshall: I am just thinking about the Constitution and the responsibilities of the Senate vis-à-vis the House of Commons and who really makes the decisions in Parliament.

Are you aware of a Bill C-280, a Private Member's Bill, which concerns disabled persons?

Mr. Fortier: Yes.

Senator Marshall: Was that bill an afterthought by an individual Member of Parliament? Did Mr. Redway consult with you or the department on the bill? It has to do with disabled persons and the time for them to receive benefits.

Mr. Fortier: Mr. Redway was concerned about people who . . . do not apply on time in order to receive a disability pension. The time may lapse because, having not applied on time, they no longer meet the recent provisions under the eligibility conditions for disability benefits.

Senator Marshall: Was the department aware of this before the bill was presented?

I remind honourable senators that this is a bill on which consultation started in 1987.

Mr. Fortier: There were representations made to the department. One of the ways to analyze proposals made to the department is to refer a specific issue to the Canada Pension Plan Advisory Board, which was done in this particular case. We thought that we should obtain the advice of the advisory board in this case.

The advisory board reviewed the proposal and concluded that something should be done for those who are not capable of applying because of illness.

Why was something not done since 1987 or since the Honourable Alan Redway saw the need? I then asked:

I understand what you are saying. What I am getting at is this. How come, after all this consultation process which started in 1987, another matter is forgotten and these disabled persons are not able to apply for their pensions?

Mr. Fortier: I do not think we can say that it was forgotten. The proposal was considered. A decision was made to proceed in a more limited fashion than what Mr. Redway would have liked.

So there was something in the bill already to provide the time factor, or whatever benefits there were, to go to disabled persons.

Mr. Fortier continued and said this:

That condition is now included in this bill.

That is the condition which disabled persons are seeking.

Senator Marshall: The same provision is included in Mr. Redway's Bill C-280?

Mr. Fortier: A much more limited approach. The provision in the bill is intended for those who are incapable of applying for either physical or mental reasons. The report of the CPP Advisory Board was tabled in Parliament, as a matter of fact, and included that particular recommendation. The department decided to proceed on the basis of that recommendation.