

Canada Pension Plan

Mr. MacEwan: Anyone can enter the premises, and if that is not searching, I don't know what is. I would suggest, along with the hon. member for Parry Sound-Muskoka and the hon. member for Edmonton West, that the change should be made. After all, you are not presuming that the person is guilty, and so on, as is the case with the act to which I referred. I believe an amendment could be made here that would provide—and this is what the hon. member for Parry Sound-Muskoka asked for—that a warrant must be sworn out because there are reasonable grounds for believing that an offence has been committed.

The hon. member for Edmonton West pointed out, with regard to clause 26 (4), on page 22, that it also states “notwithstanding any other act or law”. I think this clause should be amended in order to guarantee the freedom of the individual under this act.

Mr. Churchill: Mr. Chairman, I had made a note against this clause some time ago and happened to overlook it yesterday. This afternoon six or seven people from the opposition side of the house have made reasonable suggestions to the minister. The minister, treating it as a debate, entered into a discussion on this subject and ended up by saying that under no circumstances, or words to that effect, would he make any amendment to this clause. Surely—

Mr. Benson: On a point of order, Mr. Chairman, I did not say that under no circumstances would I make an amendment to this clause of the bill. If parliament decided that an amendment should be moved, and the amendment is moved and passed, of course it would have been passed by parliament and the clause would be amended accordingly. I simply said, Mr. Chairman, that I had been advised by my officials this was the minimum requirement, that I was of the same opinion and I did not intend to introduce an amendment to this clause.

Mr. Churchill: It was a very clear statement that the minister, on his own initiative then, was opposed to introducing any amendment. I thought he would take the other stand and say, let us have a look at this; let us negotiate. There are five or six people who are keenly concerned about the provision and who have made reasonable suggestions. He might have suggested these people confer with him in order that they might arrive at a form of wording that would be satisfactory. We have done this session after session in this house in connection with various bills. Surely

[Mr. Ricard.]

this is the way to do it on a bill of this nature. However, the minister takes the stand that he is not going to listen or at least not going to consent to the suggestions from this side and will make no amendment on his own. It may well be that the officials have suggested these are the minimum requirements. However, the officials are reasonable people and they might accept the form of wording that would meet the objections raised on this side of the house.

I should like to ask the minister this: He said that this clause was for the protection of the employee. I tried to copy down his words, and I believe I got most of them. He said that where an employee has reason to suspect an employer may not have made the contributions that he should to the employee's credit under the pension legislation, then it would be necessary to make an investigation and get things settled. Is this the way this plan is going to be operated? Are employees now to be informers against employers? Is there not some other method by which the department will know whether or not the employer is keeping accurate accounts with regard to his employees? Surely you are not going to be dependant upon the employee communicating with the Minister of National Revenue to say that perhaps the employer has not done something that he should have done. The employee may not have the information. He may be ill informed. On that information does the minister then send an investigator? I do not believe that was ever intended or should be intended.

May I ask the minister another question? Under subclause (2) of clause 26, why does this not precede any action that may be taken? Why does the minister not ask for the information, and if there is some doubt in the matter—he has said himself that employers, and I think this is right, want to be in the clear with regard to their dealings with the government—why does the minister not start off with this demand for information? Then, if this is denied or is not furnished in full, he could take the second step of inspection and seizure of documents.

When my attention was first directed to this clause, it was on the earlier part of it. In lines 14 and 15 there is a reference to any property, including any books, records, etc. The minister has said that the intention is to keep the inquiry to those payroll records and matters which relate to the pension plan. Why does the provision not say that? Line 11 relates to any purpose relating to the administration or enforcement of this act, but that does not apply to line 14. I believe