

*Supply—Pensions*

government or its successor, it seems to me that in a very short time any government would be forced into the position of withdrawing the section altogether. I was on that committee and if I am not mistaken the appointment of appeal counsel was upon the recommendation of the legion itself. I think my hon. friend, in suggesting that the responsibility be put upon the shoulders of the government, is putting any government into a difficult position.

Mr. ROSS: I should like to support the Minister of Railways on this matter. It looks to me as if the hon. member (Mr. Ralston) were seeking to create a judge advocate.

Mr. RALSTON: I think that is an excellent term.

Mr. ROSS: Of course in creating such an official you are establishing a final appeal. Does the hon. member not think the real weakness of this legislation, which I did not support last year, although I finally gave in, is that the pension board has a legal adviser and the applicant for pension has an official adviser who has no legal training? I am not so much opposed to the pension board employing their counsel, because I think if they are going into the case at all—and to the surprise of every member of the committee last year they are going aggressively at this work—they should have counsel. But then would the applicant not have to meet the pension board's legal adviser with a legal adviser?

Mr. RALSTON: Sometimes that is a disadvantage.

Mr. ROSS: It may be a disadvantage, but it is the only weapon the applicant can have at the present time, because the hon. gentleman knows that the official adviser is not in all cases a legal man. I have been up before the board in connection with two or three cases and I saw at once where the men failed. If it is desired to continue this legislation many changes will have to be made in order to give the applicant a fair deal. My opinion of the weakness of it is that one party, the pension commission, has a legal adviser, while the applicant has not. As regards the official that the hon. gentleman mentioned, a judge advocate, so far as his being an adviser to the applicant is concerned, my hon. friend is on pretty strong ground; but if you create a judge advocate such as you have in the Department of National Defence, his judgment is final. He gives an opinion to the government or to the department—"in my opinion this is fair or otherwise"—and on his opinion the matter is settled. That is the position of a judge

[Mr. Manion.]

advocate. I do not think any government would be justified in accepting that situation, but I think the applicant's case would be very much strengthened if he were given legal advice the equivalent of that which is available to the Board of Pension Commissioners.

Mr. RALSTON: The hon. member for Kingston City hit the nail on the head in an expression which he used. We have talked about these commission counsel so much that we have the idea the commission is a party to the appeal. There are two parties, and only two: the applicant who wants a pension, and the state that pays it. The commission has no more to do with the appeal than I have or anybody else has. I fully appreciate the point of the Minister of Railways; I realize the difficulty and I assure him, if he will accept my assurance, that I have no desire in the world to get any government into trouble in this matter. It would be the worst thing in the world if pensions became involved in politics. We have been fairly successful in keeping them out of politics, but I believe there must be some way whereby we can find a solution of this problem so that the state or somebody representing the state can appoint these counsel rather than have the board put in the position, as suggested by the hon. member for Kingston City, of having its lawyer or legal adviser. The board is not entitled to a legal adviser. It has made its decision and its duty is to proceed with the next case.

While my hon. friend was speaking I was wondering whether there could not be in the minister's office or in the Department of Justice a reviewing board that could sit and decide what cases should be appealed. This board would be just as independent as the Board of Pension Commissioners, and it would not be interested, as the Board of Pension Commissioners is, in having the decisions of the board upheld—I do not say this in any invidious sense. I have tried to watch pension legislation, but I must confess that this never occurred to me until the other day, when someone told me, that the Board of Pension Commissioners were instructing their own counsel to appeal. I said, "Surely they have not anything to do with instructing counsel." But I was told that they had a little panel of their own who look the cases over and decide what should be appealed. I want to say on behalf of the Board of Pension Commissioners that it is not their fault. I am glad that the Prime Minister has just come in. I think that he will agree that it is not sound to have a judicial body of