

*Pension Acts*

applicants and pensioners. It is now proposed that a veteran who wishes to reopen his case may no longer do so by making a simple application to the Pension Commission. He will be compelled to apply to the new pension review board, and only if this board decides that his application can be allowed may he reopen his case with the Pension Commission.

● (9:10 p.m.)

My objection to this procedure is based on two grounds. First, I regard it as one which imposes an unnecessary barrier against a veteran who wishes to have his case reopened. Second, this procedure is completely at odds with the standard procedure which applies to all other administrative tribunals created by Parliament. Parliament has created many tribunals. The decisions of a great majority of them can be appealed to the courts or even to the cabinet on special occasions. But as far as I know, they all observe the distinction between courts and administrative tribunals which is well understood in this country, namely, that the decisions of administrative tribunals are never final and that it is always possible to reopen a case upon application.

For example I cite the Railway Act which governs the operations of the Transport Commission. Section 52 provides that it is possible at any time to apply to the commission to change a decision which it has made. I make a special appeal on behalf of veterans, that the procedure now proposed be simplified in order not to deny them the easy right they presently have to reopen a case. Do not impose upon them the complication which would surely follow from the procedure which is now recommended.

A third aspect on which I wish to comment is the operation of the new tribunal, the pension review board, created pursuant to the recommendations of the Woods committee and the parliamentary committee. It will perform an important appeal function in finally deciding difficult cases, but the statute enshrines it in too much formality. The statute provides that all cases before the board must go to a formal hearing and that the hearing must be conducted before a quorum of at least three board members. It is important to note that the Woods committee, after a thorough study of appeal procedure, recommended strongly against this type of mandatory formality, as did the parliamentary committee.

The recommendation of the Woods Committee and of the parliamentary committee favoured a much simpler procedure: the conduct of ordinary appeals to proceed in writing before single members of the tribunal, leaving it to the tribunal itself to determine when cases were sufficiently important or difficult to require formal hearing. I need not say in this House that to require the necessity for formal hearing in all cases will cause delay, expense and complication.

The representations made by the veterans organizations both to the Woods Committee and to the parliamentary committee indicated clearly that they were interested in expedition in the decision-making process. In addition, this House should have regard to the experience

[Mr. Blair.]

of previous years. In 1924, and again in 1930, Parliament established appeal tribunals of the nature contemplated in this legislation. The experience of those tribunals, locked in, as they were, with all the formalities and trappings of formal hearings, was that they became clogged up and collapsed under the weight of the great number of cases placed before them.

Generally, I have found it is the desire of people that cases before appeal tribunals should be heard in public with a certain formality. What we are now considering appears to be an exception to this rule but, in my opinion, we would be foolish to ignore the position taken by the veterans organizations which have indicated, from their great experience, that the type of formality contemplated here is unnecessary and would defeat the purpose of the creation of the appeal tribunal.

There are undoubtedly other points of great importance in this legislation; they have been commented upon or will be commented upon by other speakers. I conclude by commending the government and all members of the House who have played a part in bringing this important bill before us in its present form. As one who does not have the privilege of being a member of the Standing Committee on Veterans Affairs, I express the hope that the committee will find it possible to improve this great legislation along the lines I have indicated.

[Translation]

**Mr. Louis-Roland Comeau (South Western Nova):** Mr. Speaker, each time there is a debate on veterans legislation, many members want to express their ideas to their colleagues and to the public, which shows how much interest they take in this subject.

The minister told us this afternoon that he had had the pleasure of tabling a white paper on pensions last year and that most of its recommendations had been included in the bill now under consideration. I wish to express my own appreciation to the minister for finally introducing such legislation.

[English]

The minister in his observations commended the members of the Veterans Affairs Committee and the representatives of the veterans who appeared before that committee, and praised in particular the manner in which the discussion of this whole subject had been initiated and carried forward. He stated that this debate was initiated by the Woods report. He praised the technique of the white paper and the dialogue that had been created. This is all very fine, but what a long time it has taken to develop! The debate started in 1965, five years ago. We are now in 1971, and it is not over yet.

● (9:20 p.m.)

The government knew what the veterans wanted, so this could have been a very sneaky trick in order to delay meeting some of the needs of the veterans. The hon. member for Humber-St. George's-St. Barbe (Mr. Marshall), who spoke this afternoon, said there are many good things in this bill, and I agree. However, I hope it