

*Canada Pension Plan*

the United States scheme has no such benefit at all.

**Mr. Chatterton:** I do not find any fault with this proposed benefit, but it seems to be rather inconsistent in that in the one case a widow of 37 years of age at the time of her husband's death would receive a pension, but a widow under age 35 at the time of her husband's death would not receive a pension, and neither would she receive it when she attained the age of 37. That is the only inconsistency which seems to exist as far as this clause is concerned. Since the bill seems to recognize that there is an earning ability between ages 35 and 45, this principle should apply whether or not the individual was between the ages of 35 and 45 at the time of the death of the husband.

Clause agreed to.

Clauses 74, 75 and 76 agreed to.

**The Deputy Chairman:** The Chair understands that clauses 77, 78 and 79 are to stand.

**Some hon. Members:** Agreed.

Clauses 80 and 81 agreed to.

On clause 82—*Payment of benefits in accordance with agreement with province.*

**Mr. Chatterton:** Mr. Chairman, I should like to make one or two comments in regard to clause 82. This clause provides for an agreement between the federal government and a province in the case of dual contribution in order to cover those people who have made part of their contributions toward the pension plan in a province that has not opted out, and part of their contributions toward the pension plan after the province opted out. The point I wish to make is that such an agreement, as was indicated by the evidence before the committee, does not provide that the benefits paid in an opted out province shall be the same as the benefits payable in the rest of Canada. The agreement merely provides that such an agreement reached under the provisions of this clause shall continue to apply while the benefits are similar. I think this fact should be drawn to the attention of all hon. members.

Incidentally, these agreements are only effective after this bill has become law and following the passage of legislation by the opting out provinces.

As I suggest, the agreements do not require that the benefits payable in an opted out province are the same as those payable in the rest of Canada, but merely that when

[Miss LaMarsh.]

these benefits are similar the agreements become practical and effective.

I only wanted to demonstrate some of the difficulties which might arise in the future when an opted out province, within its constitutional right, amends its own plan in so far as benefits and contributions are concerned. This could be done for specific economic reasons within the province. An agreement signed under clause 82 would have no practical value.

**Mr. Benson:** Mr. Chairman, what the hon. member for Esquimalt-Saanich has said is quite correct. The recipients would be receiving two cheques. This is exactly the same point the hon. member made before the committee, and I should like to repeat to him what he mentioned to me the other day, that unless people raise questions such as this perhaps we should not expound on what has already been written.

Clause agreed to.

On clause 83—*Appeal to minister.*

**Mr. Monteith:** Mr. Chairman, as I understand the sequence of appeal, it is to the minister, followed by a reconsideration by the minister and a decision. This is followed by an appeal of that decision to the review committee, and then finally to the pension appeals board. I am assuming that is the sequence of appeal.

**Miss LaMarsh:** That is correct. There is first an appeal to the minister and, second, from the decision of the minister to the review committee, and then from the review committee to the pension appeals board, whose decision is final and binding. These procedures are fairly similar to those in Bill C-75 and are modelled somewhat along the lines of the appeal procedure in the United States old age security legislation. They are designed to give us a simple, expeditious and inexpensive disposition of decisions relating to matters under the act which affect individuals. The regulations will subsequently set forth detailed procedures respecting appeals.

There is also provision whereby a provincial pension plan may provide that the pension appeals board has jurisdiction to consider and render a decision on an appeal under a provincial plan. If that provision is implemented by the provincial plan this will result in uniformity of final decisions when the appeal is with respect to the Canada pension plan or a provincial plan, where the provisions and the circumstances are the same. We would