

back in the archives. The principle of the benefit of the doubt is well established in our courts. An accused person is assured of the benefit of the doubt by the judge. Surely an applicant for a veteran's pension is entitled to the same protection as an accused before the courts.

● (1420)

Later on I shall present figures to illustrate why I feel that the Canadian Pension Commission is not extending the benefits of the act. If the Pension Commission functioned as intended by Parliament, we would not need the Pension Review Board. The idea that the Pension Commission can delay a final decision and ignore the benefit of the doubt by saying there is always one avenue left open—the Pension Review Board—is erroneous.

Last year approximately 1,000 veterans applied for disability pension. The Canadian Pension Commission has a backlog of 3,000 cases waiting to be heard. There is at least one year's wait before a veteran's case can be heard. The case of a welfare applicant receives immediate attention, yet a veteran must wait a year, and then 90 per cent of the applications must go through a second stage, namely, the Entitlement Board of the Pension Review Board.

I am sure many honourable senators have supported applications to the Canadian Pension Commission. I recall one case that was considered for seven and a half years before a favourable decision was given. Veterans are dying at the rate of approximately 22,000 per year. Since the last major revision of the Pension Act in 1971, 100,000 veterans have died, yet the number of appeals to the Pension Review Board is increasing. There were 476 appeals in 1973, and 1,200 in 1976. We must ask ourselves, honourable senators, if the system is working.

One of the reasons for the increased number of appeals is the adversary system practised by the Pension Commission. The Treasury Board and the Department of Labour are attempting to remove the adversary principle in labour relations. I suggest they should begin in the Canadian Pension Commission.

The present attitude adopted by the Pension Commission must be altered and corrected, and there is only one way to do that—there must be new personnel on the Canadian Pension Commission. The attitude of the present members is so firmly entrenched that they are like the leopard and cannot change their spots. I have often said it would be easier to get a religious dogma changed than to get a change of heart in the Pension Commission.

The most entrenched group in the Pension Commission are the medical officers. There are 22 medical officers at headquarters, and 24 medical officers in the various regional offices. An applicant for a disability pension is examined by the medical officer in his regional office, and the file then comes to Ottawa where it is reviewed by a medical officer who, despite the fact that he has not seen the patient, makes the final recommendation. He can either agree or disagree entirely with the regional medical officer who saw the patient, or he

may reduce the recommendation of the regional medical officer.

While the regional medical officer in Regina, for example, may make a recommendation for an 80 per cent disability pension, the medical officer at headquarters has the authority to reduce it to the national average, and often does. He may reduce it by 40 per cent to bring it in line with the national average. To my mind, it is entirely wrong to have that authority residing with the medical officer at headquarters. The recommendation which should be considered by the Pension Commission is that of the regional medical officer who examined the veteran.

The commissioners should be freed from unnecessary detail, such as reviewing the disposition of unpaid pensions, so as to allow them more time to adequately study applications. In the event of the death of a pension recipient, the matter is reviewed to determine whether or not the pension cheque payable for the month in which the veteran died was earned. I am familiar with the case of a veteran living in northern Ontario who was the recipient of a monthly pension of \$128. The only surviving member of that veteran's family was a daughter who lived in Toronto. On the day following that veteran's death, the pension cheque arrived and, on the advice of her lawyer, the daughter deposited the cheque to the credit of the veteran's bank account. Approximately four months later she was notified by the bank that the Pension Commission had stopped payment on the cheque, and that she owed the bank \$128. The commission subsequently sent three, possibly four, people to interview the daughter to determine what had been spent in the month in which the veteran died. I am sure the commission spent the equivalent of a year's pension reviewing that one payment. About 18 months following the veteran's death, the final payment was cleared.

The number of applications received for disability pensions last year totalled 1,011, of which 653 were denied; 128, or 10 per cent, were approved; and 212, or 20 per cent, were partially approved.

The evidence presented to the committee of the other place on Bill C-11 indicated that one-third of the applications were granted by the Pension Commission, one-third by the Entitlement Board, and 30 per cent by the Pension Review Board. To say that 30 per cent of the applications were granted by the Canadian Pension Commission is misleading. In fact, the number of pensions granted, being 128 out of 1,011, represented only 10 per cent; 20 per cent of the applications resulted in partial pensions only.

No figures are available in respect of the percentage of disability allowed for pension purposes in those cases where the decisions were partially in favour of the applicants, but statistics are available in respect of the various categories of pension granted to veterans. As honourable senators are aware, there are 20 different categories. The four bottom categories represent 62 per cent of the pensions granted. In the case of World War II veterans, category 20, which is the lowest, represents approximately 16 per cent of the disability pensions granted; category 19 represents 23.2 per cent; category