

Merchant Seaman Compensation Act

The merchant seamen compensation regulations of 1945 were issued by order of the governor in council made on July 17, 1945, under P.C. 4755. They were subsequently deemed to have been revoked on August 31, 1946, and for the purposes of section 19 of the Interpretation Act, an act respecting compensation for merchant seamen was deemed to have been substituted for those earlier regulations. That act, which is now before us, is chapter 178 of the Revised Statutes of Canada, 1952, amended by chapter 16 of the acts of 1952-53 and by chapter 9 of the acts of 1957, assented to on March 28, 1957.

Mr. Speaker, what would the amendment before us seek to do? The hon. member for Burin-Burgeo (Mr. Carter) would seek to amend section 30(2) of the present legislation in order to empower the merchant seamen compensation board to name as foster mother someone who would take care of a child or children of a deceased seaman in another home, not the existing household of the deceased seaman or of the deceased seaman's family. This amendment would have the effect of entitling the foster mother to the widow's pension of \$75 a month as long as she was caring for the children up to the age of 18 years, or in the case of an invalid child, beyond that age. That would be the situation if the seaman died leaving no widow.

Normally under section 30 of the present act the merchant seaman compensation board would pay the \$75 monthly to a suitable person who moved into the existing household to care for the children. The idea behind the present section seems to be that the children could be better brought up in the home to which they had become accustomed. There would not be a separation, which would have the effect of only adding to the loss of the father.

Two things might happen if the hon. gentleman's amendment were immediately acceptable. Let us first take the case of a seaman who dies leaving children who are not subject to compensation; that is, able, non-invalid children aged 18 and over. What would become of them if, as the proposed amendment would allow, children up to the age of 18 were enabled to be removed to the care of a foster mother in another household and be subject to compensation; what would become of the children aged 18 and over who would not be subject to compensation? Is the hon. gentleman who proposes the bill satisfied that this would not mean the division of the families of seamen?

Indeed, what would be the case in regard to those children eligible for compensation who are removed from their home into another household? Would their interests not perhaps become compromised by being shared with

[Mr. Morris.]

the interests of children of that foster mother, children native to the household to which the children subject to compensation are to be removed?

Mr. Speaker, let us see what is done under somewhat comparable legislation; let us consider the provincial workmen's compensation act. Most provincial workmen's compensation acts appear to me to have a section similar to the one which is incorporated in our present Merchant Seamen Compensation Act. I understand that Saskatchewan interprets its provisions in such a way as to allow the existing household to be regarded in the sense of being within the family, rather than strictly within the physical building. So that I understand the province of Saskatchewan, under its provincial compensation act will, other factors being permissive, allow full widow's pension to a foster mother in another household if it considers this to be in the interests of the children.

Manitoba also pays the foster mother the widow's pension as long as the workmen's compensation board in that province considers the children are being satisfactorily maintained in the foster mother's home.

British Columbia appears to me to be enabled by its practices to pay the pension to a person such as a maiden aunt if the children are moved into that person's home. In Newfoundland, the very beautiful native province of the hon. gentleman who introduced this bill, I understand that they do not hold strictly to the term "existing household". Like Saskatchewan, a foster mother can live elsewhere and can qualify for compensation.

The other provincial workmen's compensation boards, to the best of my knowledge, hold to the rule that the existing household must be maintained by a foster mother if she is to receive monthly compensation. Section 30(2) of the present act seems to me to be predicated upon the basis of a positive desire to maintain the existing household.

The hon. member for Burin-Burgeo says he has not been able to discern why this is kept in the act. I can only say that my reading of the history of this legislation would indicate to me, and I hope rightly, that there is a positive intent in the act—it has not come in accidentally—to preserve the seaman's household.

Mr. Carter: Mr. Chairman, would the hon. gentleman accept a question?

Mr. Morris: Yes.

Mr. Carter: Is the hon. gentleman taking the position that the interests of the child should not come uppermost and that a judgment must be made as to whether the interests of the child are best served by maintaining