

## Pension Act

**Mr. Bennett:** The amendment uses the same wording as is in the present act, where it states in section 42 (2):

but no payments may be made under this section in respect of any member of the forces who has died, for any period prior to the date of death.

**Mr. Fleming:** This is the situation we run into where legislation is thrown at us without the opportunity of previous examination, and there is haste. I put it to hon. members that whether it has been in the statute or not, it is not the language of good draftsmanship. What is proposed now is that "no such payment may be made in respect of any member of the forces who has died for any period prior to the date of death". There is no punctuation after the word "died" and you have the expression "who has died for any period prior to the date of death". Surely, Mr. Chairman, what is intended by the mover in introducing this amendment is rather that "no such payment may be made for any period prior to the date of death in respect of any member of the forces who has died". That is what is intended, is it not? Surely we do not put in the statute an expression like this "who has died for any period prior to the date of death".

**Mr. Bennett:** The hon. member for Eglinton would suggest a comma being inserted after the words "who has died"?

**Mr. Fleming:** I do not think the insertion of a comma will remove what is undesirable in the composition here. Surely, what is needed is simply to move these closing words, promote them to an earlier point in the clause, and make it read: "No such payment may be made for any period prior to the date of death in respect of any member of the forces who has died".

**Mr. Tucker:** This has been in the statute many years, and the committee on veterans affairs very carefully considered this matter. Their attitude is that where a section is meeting with the approval of the veterans all over Canada it should not be changed because it might make some change that was not necessary. Where a section of the act is satisfactory to all the veterans no change has been suggested, except such change as was unanimously recommended by the committee. Having that in mind, I think it is not altogether in order for the hon. member for Eglinton to say that this is thrown at us suddenly. This was considered by the veterans affairs committee and recommended in the report to this house. That report was in *Votes and Proceedings*, and so far as I know the committee on veterans affairs were unanimously satisfied with this. The veterans of Canada are satisfied with it.

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I would point out also that the interpretation of this act, in law and everything else, is entirely in the hands of the Canadian pension commission. They know what it means, and they have been interpreting it now for a long time. I suggest it would be unwise to change it.

**Mr. Green:** Would there be any objection to switching these words around to make the clause absolutely clear? If we took the words "for any period prior to the date of death" and inserted them after the word "made" the clause then would be perfectly obvious and clear, and that would meet the objection raised by the hon. member for Eglinton. The latter part of the section would then read:

... it is apparent that an injustice might otherwise ensue; but no such payment may be made for any period prior to the date of death in respect of any member of the forces who has died.

That certainly makes the clause much clearer than it is at the present time, and I do not see that any harm will be done by making that switch in the latter part of the clause.

**Mr. Bennett:** Mr. Chairman, I have every regard for the abilities with respect to draftsmanship of the hon. member for Eglinton, and in the committee we did listen with great respect to the recommendations made by the hon. member for Vancouver-Quadra during the sittings of the veterans committee, but I do not feel that any useful purpose would be served by the amendment suggested today. The meaning is obvious. I do not think any other meaning could be taken from it. As the chairman of the veterans affairs committee has said, the pension commission has been interpreting this section for a great number of years for the benefit of veterans across this country and I do not think we should change it now.

**Mr. Fleming:** I do not propose to debate the subject longer. I wish to say if this is a sample of the English language we are using in legislation in this parliament, it is high time we stopped and considered what we are inserting in the statutes of Canada. It is not a question of changing the meaning of words that I suggest by way of alternative. I wish to make it perfectly clear to the hon. member for Rosthern that what I suggest is better calculated to carry out the purpose of the amendment than the language proposed in the amendment itself. Let us understand, Mr. Chairman, that what the government is insisting upon is that we legislate in terms like these:

in respect of any member of the forces who has died for any period prior to the date of death.

**Mr. Abbott:** What is wrong with that?