

War Veterans Allowance Act

Mr. McKinnon: Mr. Chairman, I hope this is the only time that I will rise during this stage of the Bill. I am sorry to have to put the House to so much trouble over one simple question.

Clause 1(10) of Bill C-39 amends the definition of the terms "widow" and "widower" in subsection 2(1) of the War Veterans Allowance Act. Subsection 2(3) of that Act describes those who may be deemed to be the spouse or the widow of a veteran as one who has been residing with a member of the opposite sex to whom he is not legally married.

There may well be cases in which a veteran has a legal spouse, for whom he has a legal or at least a moral responsibility, but has been living with another individual who is deemed to be his spouse under the definition of the Act. Clause 9 of the Bill amends Section 15 of the Act to enable the Minister to intervene in cases in which the recipient of an allowance is not maintaining any person for whom he has a legal responsibility.

What is the situation with respect to the payment of a widow's allowance in those cases in which the veteran has left a legal widow for whom he was responsible before his death as well as a deemed widow as described in the Act? I think there has been an omission which will mean that some veterans will have left behind two widows, and there would be a responsibility on the part of the state for both of those widows under the Act as it now reads.

Mr. Ouellet: Mr. Chairman, I understand that the Department is entitled to pay only one allowance. The general practice has been that the money would normally go to the person who spent the longer period of time with the veteran. In other words, if the second marriage had only been for a period of one year, and the first marriage had been for a period of 25 years, it is clear that the first widow would receive the allowance.

In cases in which the two widows have lived with the veteran for an equal number of years, that obviously creates a more difficult problem. However, in most cases I understand that the majority applies and the allowance would be given to the person who had spent a longer period of time with the veteran.

Mr. McKinnon: Mr. Chairman, I have no further questions.

● (1630)

Mr. Benjamin: Supplementary to the question just raised and the Minister's response, I know of a case which has been referred to the Department in which a veteran's widow, who is drawing benefits, has had her benefits split in half between herself and a previous spouse. The previous spouse is called "a divorced widow". I have checked with a couple of lawyers and have found that there is no such thing as a divorced widow in law. Before the veteran died, he had remarried, so how can the first wife be a divorced widow? Surely the second wife is the widow. But 10 or 12 years after the fact, after his death, the benefits drawn by that veteran were divided equally between a "divorced widow" who had already received a full property settlement, half of all the property, and \$80,000 in cash settlements, and his real divorced widow. This is 12 or 14 years after the fact. How many divorced widows can a veteran have?

It is not that they can do much about it after they have gone up to the great Flanders Fields, but how many divorced widows can a veteran have? Where does this end? There may have been some veterans who married and remarried three or four times and so there would be three or four widows. You are either divorced or are a widow, but you are not both. In this case the veteran remarried and, after some 10 or 12 years of marriage, he died, and his benefits are going to someone he would not have even seen for 15 years. Where does the Department get the jurisdiction or justification for that? It seems to me that if that veteran, or any others like him, had the funds to take you to court, they would probably win.

Mr. Ouellet: Mr. Chairman, obviously, if the Hon. Member is accurate in his facts and if the lawyers of the person could go to court and win, I am sure that they would go to court and win. I do not see this, therefore, as a case which is the rule. It is probably very unique and an exception. I even wonder if it is under this Act, if it is not under the Canada Pension Act. I would like to know more of the details of the case before giving an opinion. I appreciate the Hon. Member's point, but I would just like to find out if it is really a living case or a hypothetical case.

Mr. Benjamin: It is a living case.

Mr. Ouellet: If it is a living case, we will follow through on it and will see what can be done.

Mr. Peterson: Mr. Chairman, I appreciate the circumstances in which the Minister finds himself today, but perhaps his officials could be of some assistance. There are a number of senior citizens in Canada today who have come to our country from other countries which were allies of Canada during the Second World War. There are not a great number of these people. However, these people find they have to live in Canada 15 years before they can receive the pension which would otherwise be available to Canadians who served in the same circumstances. Many of these people find themselves in very impoverished circumstances. I am wondering if any thought has been given to changing the law so that these people can get their pensions sooner? Has any thought been given to the question of how many people would be involved in this particular group? I do not think it would be very many. Also, has any thought been given to what the additional cost would be to the federal Government to extend the benefits to these people after a shorter period of time of residency in Canada?

Mr. Ouellet: I am sure, Mr. Chairman, that the Hon. Member will be happy to learn that the period is ten years residency. It is no longer 15 years.

Mr. Peterson: I made a mistake. It is ten years. You are quite right.

Mr. Ouellet: Obviously, I will pass on his representations to my colleague who will look at the possibilities of further reducing the period of eligibility.