

WAR SERVICE GRANTS ACT

Under the War Service Grants Act there was conferred upon the Governor General in Council, in addition to the general powers of the Department of Veterans Affairs Act, authority to make regulations. Two sets of regulations were established:

P.C. 9440, of December 19th, 1944, set up a code of regulations for the administration of war service gratuities;

P.C. 165, of January 18th, 1945, set up a code of regulations for the administration of re-establishment credits.

Each of these has been subsequently amended by orders in council clarifying or broadening the original regulations. You will note in reading these orders in council that the powers of the War Measures Act were invoked with regard to both of them because, in certain instances, the regulations went beyond the scope of procedure and tended to vary the terms of the Act itself.

The amendments which are now before this committee are for the purpose of incorporating into the Act the purport of such regulations as encroach upon the field of legislation. With the proclamation of the end of the war and the consequent termination of the authority under the War Measures Act, there can be no doubt that some passages in the regulations would lose their validity.

In incorporating into the Act those principles which have been established by orders in council, we have not necessarily followed the original language, but have sought to improve the phraseology, either as the result of the advice of administrative officers, or of the legal draftsmen in charge of the preparation of the bill. When the subject matter now incorporated in regulations has been embodied in the Act, it will, of course, be necessary to re-write and re-enact the regulations by new orders in council, correcting references and deleting those items which have been included in the Act.

Let me now review the principal points covered by the amendments which are before you.

A board of review has been established to deal with doubtful problems arising in connection with the award of gratuities, and it is proposed that this board be continued.

Section 4 of the Act as passed last session provides that, when a member of the forces entitled to gratuity dies with all or part of the gratuity unpaid, there shall be authority to pay the gratuity to such dependents as have received, or would have been entitled to receive dependents' allowance.

There was a very strong feeling throughout the country that this was unduly restrictive and that gratuity should be paid into a man's estate, even though he had no dependents as defined in the regulations regarding dependents' allowance. Accordingly, last April, by P.C. 2239, it was provided that if no dependents qualified under Section 4, any unpaid balance of gratuity should be paid into the service estate of the deceased member of the forces. In this manner, distribution to the heirs is ultimately assured. As this is obviously an extension of the Act, rather than a regulation, it is included among the amendments now before us.

A good illustration of the difficulty of foreseeing contingencies when new legislation is being drafted is afforded by a further amendment giving effect to the terms of P.C. 3857 of May 29th, 1945. Apparently, a case arose where a beneficiary under Section 4 died before the gratuity had been paid to him or her. Accordingly, a further amendment giving effect to the order in council provides that where the dependent beneficiary also dies, the gratuity shall go into the service estate of the deceased member of the forces.

Although members of the Canadian Women's Army Corps, the Women's Royal Canadian Naval Services and the Women's Division of the Royal Canadian Air Force are today undoubtedly members of the forces as defined in the