

The Senate resumed at 3 p.m.

PENSION BILL

SECOND READING

Hon. Mr. DANDURAND moved the second reading of Bill 234, an Act to amend the Pension Act.

He said: Honourable gentlemen, this Bill contains a few amendments which bear on the re-organization, to a certain extent, of the Federal Appeal Board. The first amendment says:

There shall be a Board known as "The Federal Appeal Board", consisting of not less than three nor more than seven members appointed by the Governor in Council on the recommendation of the Minister of Justice.

The Act at present reads: "not less than five nor more than seven members." The Bill provides for a decrease in the number, because the work of the Appeal Board is diminishing.

Right Hon. Sir GEORGE E. FOSTER: But it raises the minimum, does it not?

Hon. Mr. DANDURAND: The minimum is reduced from five to three.

There is a further clause:

Of the members first appointed to the Board, other than the Chairman, one-half shall be appointed for a term of two years and the other for a term of three years, and they shall be eligible for re-appointment for such further terms, not to exceed five years, as the Governor in Council may deem advisable.

That is the amendment now proposed. The subsection which is to be amended read as follows:

—and they shall be eligible for re-appointment for a further term of two years should the Governor in Council deem it advisable.

The amendment allows the members to continue in office for such a further term, up to five years, as the Governor in Council may deem advisable; whereas the present Act allows for an extension of only two years.

With regard to a quorum it is provided:

During such time as the Governor in Council may determine, three members shall constitute a quorum thereof. Thereafter a majority of the members shall constitute a quorum.

The two other amendments are of greater importance. The purpose is to allow of a new application to the Board, or the reconsideration of an application, if the applicant can furnish newly discovered evidence:

Provided that if within one year after a decision by the Federal Appeal Board upholding a refusal of pension by the Board of Pension Commissioners for Canada or one year after the passing of this proviso, whichever is the later, the applicant submits newly discovered

Hon. Mr. DANDURAND.

evidence which, in the opinion of a majority of the Board of Pension Commissioners for Canada, establishes a reasonable doubt as to the correctness of the previous decision, the Board of Pension Commissioners for Canada shall reconsider such case, and if refusal of pension be confirmed, the applicant shall have the right of a second appeal to the Federal Appeal Board and its decision thereon shall be final and shall be binding upon the applicant and upon the Board of Pension Commissioners for Canada.

That is in accordance with a request that has been urged over and over again by the soldiers' organizations.

Hon. Mr. GRIESBACH: In addition, I may point out to the honourable leader of the Government, it has been the practice of the Board. The Board found that they practically had to continue a hearing if there was new evidence; they could not avoid doing so. New evidence might be submitted to the Board of Pension Commissioners, and they would have to reconsider the case. They might then be in the position of having evidence which in their judgment would justify the granting of a pension which the Federal Appeal Board had refused.

Hon. Mr. DANDURAND: The Act as it now stands provides that a pension shall not be awarded unless an application therefor has been made within seven years after the date upon which the applicant was retired or discharged from the forces, subject to one or two modifications in certain cases. That seven-year period expires this year, and the Minister suggests that it be extended for two years. So the words "seven years" are replaced in this new legislation by the words "nine years."

The motion was agreed to, and the Bill was read the second time.

THIRD READING

Hon. Mr. DANDURAND: May we dispense with the Committee stage?

Hon. W. B. ROSS: I should think so. The Bill is all right.

Hon. Mr. DANDURAND: Then I move the third reading of the Bill.

Right Hon. Sir GEORGE E. FOSTER: I would like to ask one question, if I may. The Bill does not make any provision for enlarging the basis on which applications for pension are made?

Hon. Mr. DANDURAND: No.

Right Hon. Sir GEORGE E. FOSTER: It just deals with the adjudication on the basis of causes already approved.