

in this type of work. It is nevertheless a fact that a very high percentage of claims are granted and a very high percentage of them are granted through the use of section 70 of the act.

As I said before, it goes without saying that there are some claims which cannot be granted under any circumstances because of the legislation.

I would like to mention section 13(2) of the act which was discussed here at the last meeting. I am not certain, gentlemen, that it is in the best interests of veterans generally to attempt to define precisely just what certain sections of the act mean. I think the minute you set down a precise definition of an item of legislation you limit your discretion under that legislation. In other words, you say this is what must be done in this particular case and this is the principle upon which we must operate. Then, for all time to come you are bound by that. The act itself was not designed for that purpose. The act is deliberately drafted in a loose way, leaving discretionary authority to the commission and leaving it open so far as it is humanly possible to ensure that every possible consideration can be given to the claim, thus avoiding the unfortunate possibility of the commission's hands being tied by previous decisions.

I suggest to you in all seriousness, gentlemen, that had the commission set up hard and fast regulations and defined very precisely thirty years ago all the sections of the act, there would be many men today receiving pensions who would never have been granted entitlement. The reason we have been able to improve our attitude toward these claims and become more and more lenient over the years—and we have, as is well established by the figures—is that the act is framed in that way and the commission has never tied its hands with any definite hard and fast rules.

This of course leaves us open to such accusations as we heard the other day, accusations to the effect that we are discriminating because we do not decide an apparently similar case in exactly the same way as we decided a previous case. You cannot have your cake and eat it too. If you want this act to be loose and open so we can proceed along these lines and improve as we go along, you cannot tie yourselves down with regulations. It may look as though at times there is discrimination but I assure you, gentlemen, there is no such thing. These decisions are based on evidence adduced before the commission in connection with each particular claim. This is the way all decisions are reached.

Having said that, I must further say that the commission must be guided to some extent by previous decisions, but they are not firmly tied by them; and I think this is all I can say about it.

Consequently I want to say that I do not think it is a good idea to attempt to define precisely what is meant by section 13(2). My own opinion is that if it appears from the evidence that the man's condition—and I am talking now of peacetime forces, which have come in for considerable discussion in times gone by, and still do—if as I say the man's death or disability was caused by the fact that he served, then a pension should be granted. I think this is about as closely as we should ever attempt to define the section. This I think was the intent of the legislators who drafted it, and it is the belief I think of myself and my colleagues.

Before I go any further, in view of the opinions expressed regarding the members of the commission itself, I would like to read into the record a very brief outline of their qualifications. I will start with myself.

I think you all realize that I was employed for some 15 years as an officer of the dominion command of the Legion; and I can assure you that they do not keep people around the Legion who are not sympathetic to veterans. I can also assure you that I would never have been given my present position had I been unsympathetic to them.