

Veterans Allowance Increases

the sentiments of the magnificent speech of the hon. member for Sarnia-Lambton (Mr. Cullen). I am aware, and I am sure hon. members recognize, that much of that which we try to recompense through veterans pension plans is without price and beyond cost. It is impossible to place an accurate monetary value on human suffering and sorrow. However, let it be clearly recorded that Canadians of all ages should be delighted to see more tax dollars, a larger part of the public purse, being used to aid that noble and diminishing number, the war veterans of Canada.

Mr. McGrath: Mr. Speaker, may I call it six o'clock?

Mr. Speaker: Order, please. The hon. member may call it six o'clock, but it does not guarantee that he will be recognized as the first speaker at the commencement of the sitting this evening. It being six o'clock, I do now leave the chair.

At six o'clock the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

Mr. H. Russell MacEwan (Central Nova): Mr. Speaker, I have followed with interest the debate upon which the House is now engaged. I begin my contribution by saying that I fully endorse the excellent motion which has been placed before the House by my hon. friend from Humber-St. George's-St. Barbe (Mr. Marshall). He is a fellow Nova Scotian who went far afield and has done well in the great province of Newfoundland. Of course, we shall always welcome him back when the time comes.

I also endorse the amendment moved by the hon. member for Winnipeg North Centre (Mr. Knowles). Taken together, the motion and the amendment make a very forceful plea. The report of the Veterans Affairs Committee is, of course, founded upon the studies undertaken by the Woods committee; the background has been discussed in detail by other hon. members and I do not intend to repeat what they have said. Nevertheless, there are a number of aspects I wish to discuss; some of them may be called housekeeping or legal matters.

I agree with those who have said that the report which the committee made to this House and to the government was an excellent one. It covered most of the points made in the Woods committee report and set out the lines which it hoped the government would follow when introducing legislation affecting veterans. The government now has the report in its hands, and the question is: What kind of legislation will be brought in and when will it be introduced? Of course, we do not know precisely what is to be contained in the legislation and this is why we, as members of the opposition, are putting our ideas forward at this time.

There are certain provisions which I feel should be contained in any legislation to be placed before the

[Mr. McBride.]

House. One of the recommendations contained in the report concerned the appeal procedure. As I recall the government's White Paper, it proposed the setting up of a directorate of pensions as a branch of the Department of Veterans Affairs, the effect of which would be to restrict opportunities for appeal. I trust the government will provide, in the legislation to be brought before Parliament, for a separate pension review board as recommended by the committee. This would afford veterans the opportunity, at their request, to submit pension cases for final review on the basis of a final interpretation of the act. This is most important. I can think of a number of veterans in my area and, for that matter, throughout the country who would undoubtedly have their files reopened if this course were adopted.

Another question which comes frequently to the attention of the Pension Commission and, undoubtedly, to the attention of hon. members, concerns the presumption of medical condition. This matter was referred to earlier today by the hon. member for Vancouver East (Mr. Winch). It is possible that under the terms of the existing legislation the commission can do no other than reach the decisions it does. But since so many of these decisions are reached on the basis of a veteran's pre-enlistment medical condition, I must go along with the hon. member for Vancouver East in this respect. I trust that the legislation will deal with this question of the presumption of medical condition. The white paper, as I recall it, stated that if an adverse medical condition manifested itself within six months of a man's enlistment, it would be excluded from this presumption. The committee felt that this period should be limited to three months.

• (8:10 p.m.)

To return to the question of the interpretation of the Pension Act, I recall sitting on several Veterans Affairs Committees and one clause that always gave us, and undoubtedly many veterans, problems was the benefit of the doubt clause. The Woods committee report proposed a completely new basis for the benefit of the doubt principle which would mean, in effect, that a pension adjudicator would be allowed to find in favour of a veteran's claim even though the veteran had not established his claim by a preponderance of evidence. In such a case the claim would be resolved in favour of the veteran rather than the government through its Department of Veterans Affairs.

To be fair to the government, the white paper recognized the problems that have arisen over the interpretation of this section of the act and proposed the rewriting of the section to incorporate guidelines in regard to what constituted the benefit of the doubt. Although I hope this proposal will be taken up, I contend the benefit of the doubt principle should be applied in favour of the veteran, not in favour of the government. A veteran should not have to prove his case by a preponderance of evidence.

I have also had quite a bit to do with veterans bureaux in the Atlantic area as well as in Ottawa, and I have nothing but praise for them. It has been suggested that the veterans bureaux are serving two masters, and I do