

we say, in effect, if you cannot determine it within a year we will assume it after that. That is what we are setting out to do, is it not?

Mr. BROOKS: That is the way I would interpret it.

Mr. GREEN: The statute should be so worded that the ordinary layman would understand it.

The CHAIRMAN: If that were so the lawyers would all starve.

Mr. GREEN: That may be, but I do think that difficulties may arise some years from now if the case is ruled out because the man has not been disabled for the year.

Mr. BURNS: Mr. Chairman, that clause was put in at the instance of the Superintendent of Insurance who, I believe, pointed out that similar clauses were usual, or at least that similar policies were in effect in commercial insurance companies; that is, they concede that disablement which had persisted over a certain period is considered to be permanent, and that is the purpose of this clause. We are in no doubt it is additional to the rule regarding any disablement that can be ruled permanent as a result of medical opinion, obvious disablement.

Mr. GOODE: Could someone tell me what would be the status of a man under war veterans allowance who has been paying into insurance for some time if he became totally disabled?

The WITNESS: In accordance with the wording of the section if he is rendered incapable of pursuing any substantially gainful occupation we will offer him the disability benefit.

The CHAIRMAN: Mr. Goode's question is supposing you pay him the benefits under this clause do those benefits constitute income to the recipient of war veterans allowance? Is that your question, Mr. Goode?

Mr. GOODE: That would have been the second part if I accepted your explanation of the first.

The WITNESS: We have consulted with the War Veterans Allowance Board and in all cases where we are satisfied that the insured is totally and permanently disabled, and where we waive premiums, that does not constitute income. The instalment benefit is optional. The War Veterans Allowance Board usually would consider the instalments as income and would reduce the war veterans allowance correspondingly.

Mr. GUNN: I was going to suggest, Mr. Chairman, that a possible way of meeting the point raised by Mr. Green would be by a re-arrangement of this particular wording. Starting with the word "where" in the 35th line, we would start the clause and it would then read:

Where his total disability has existed continuously for a period of at least one year, the insured shall, for the purpose of this section, be deemed to be totally and permanently disabled.

It is just a transposition. The word "where" starts the clause.

Mr. CROLL: And you will put a period after the word "disabled".

Mr. GUNN: Yes. Just switch the wording around and read it in this manner: "Where his total disability has existed continuously for a period of at least one year the insured shall for the purpose of this section be deemed to be totally and permanently disabled."

Mr. GREEN: That will accomplish it.

The CHAIRMAN: Those in favour of the amendment?

Carried.

Mr. PEARKES: Just one point. When you were reading section 9 (3) (a) you stopped reading at the words "Pension Act". There are several more lines in the copy of the bill that I have, dealing with Imperial pensions. Is that omission intentional?