

PRIVATE MEMBERS MOTIONS

[English]

OLD AGE SECURITY ACT

SUGGESTED AMENDMENT TO COUNT OVERSEAS SERVICE OF VETERANS IN ESTABLISHING ELIGIBILITY FOR OLD AGE PENSIONS

Mr. G. H. Whittaker (Okanagan Boundary) moved:

That, in the opinion of this House, the government should give consideration to bringing in an amendment to the Old Age Security Act to ensure the Canadian veteran with overseas service that such service be counted for time in Canada for the purpose of the Old Age Security Act whether or not he has resided full-time after discharge in Canada.

He said: Mr. Speaker, I am presenting this motion to the House today in order to correct what I believe to be a discriminatory situation. This is caused by an interpretation of the rules and regulations by the officials of the Minister of National Health and Welfare (Mr. Lalonde) in Victoria. On January 7, I received a copy of a letter written to one of my constituents by the regional director of Old Age Security in Victoria. I quote from the letter:

● (1700)

For our purpose we cannot consider you as physically present in Canada when we have confirmed that you were overseas with the Canadian armed forces from June 8, 1940 to March 1946 and in addition left Canada again in November of 1946. The Old Age Security Act does not permit us to consider overseas service as physically present in Canada for Old Age Security purposes.

I think we must emphasize the phrase "physically present". I immediately thought it was an outrage that this government actually wishes to, and does, discriminate against proud veterans who served overseas. Why should there be a difference in interpreting the rules as they apply to me, who never went overseas, and one who did? If after the war I had gone out of the country under similar circumstances, presumably when I came back I would be eligible. Surely, that is discrimination against those veterans who served overseas.

Under the present legislation, there are three ways a person may qualify for an Old Age Security pension. First, if he has resided in Canada after reaching the age of 18 for periods which total at least 40 years; second, if he has resided in Canada for 10 years immediately before approval of his application, and third, if he has been present in Canada after reaching the age of 18, and prior to the 10 years mentioned above, for periods which equal when totalled at least three times the length of his absences during the 10 year period and has resided in Canada for at least one year immediately preceding the approval of his application.

The legislation then states that some types of absences from Canada during the qualifying periods referred to above may, under certain circumstances, be considered not to interrupt residence in Canada. These include, among others, absences while employed by the Canadian government, as a member of the Canadian armed forces, as a missionary, by a Canadian firm or by an international agency. It was the decision of the Old Age Security pension board that my constituent's overseas service would not be counted as physical presence in Canada. It would

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appear that this ruling was based on the third provision which states:

Have been present in Canada after reaching the age of 18 and prior to the 10 years mentioned above for periods which equal when totalled, at least three times the length of your absence during the 10 year period and have been a resident in Canada for at least one year immediately preceding the approval of your application.

It does not refer to physical presence. It is on this basis that I believe the whole problem stems from a misinterpretation of this rule. The Canadian government defines a resident of Canada for the purpose of Old Age Security under rules and regulations, one of which is Section 15(1)(i):

a) A person resides in Canada if he makes his home and ordinarily lives in any part of Canada.

Subsection 3(b) reads:

b) That any interval of absence from Canada of a person that is a member of the Canadian armed forces pursuant to act in connection with the requirement of his duties shall be deemed not to have interrupted that person's residence in Canada.

Under Section 20(f) the government claims:

c) The right of defining residence in Canada and in defining intervals of absence from Canada that shall be deemed not to have interrupted residence in Canada.

This, I believe, strengthens my argument that the interpretation of my constituent's case is incorrect and that he is being discriminated against.

When my constituent applied to join the service, he did not choose to be sent overseas. If he had been stationed here in Canada, as I was, there would be no trouble. However, he went where his country sent him and for this he is being penalized today. This is discriminative and unjust. I do not think a man's courageous war service in defence of this country should be used against him. My constituent did not choose to go overseas. He was sent; he returned home, was discharged in Canada in March 1946, and did not leave again for England until November of 1946. I cannot find any rule or regulation that gives the government the right to define presence. I am, however, satisfied in my own mind that the rules and regulations give a member of the armed forces the same status and rights as a resident of Canada, whether he is serving overseas or not.

Look at the income tax laws. They treat him the same when in the armed forces, whether he is in Canada or overseas. Family allowances are paid to members of the armed forces whether they are serving in Canada or overseas. An overseas member of the armed forces has a vote in Canadian elections. In other words, he is treated as a Canadian citizen. We now find, by an interpretation, that his overseas service does not count as presence in Canada for the purpose of Old Age Security. What discrimination.

The minister has not, however, seen fit to have these rules and regulations interpreted any differently from that which was set down by his officials in the letter of December 18 to my constituent. This letter even goes so far as to use the phrase "physically present." I have been unable to find the word "physical" in any of the statutes, rules or regulations. Our proud overseas veterans are being discriminated against. We are denying them the rights and privileges they fought so valiantly to earn and preserve.