

Pension Act

pension commission has absolute jurisdiction. Another significant section is subsection 5 of section 5 which reads as follows:

The commission shall determine any question of interpretation of this act and the decision of the commission on any such question is final.

That means that where there is a doubt as to the legal interpretation of the Pension Act the pension commission can make that interpretation and their decision on such question is made final. Another significant section is 6 which reads as follows:

The governor in council may impose upon the commission like duties in respect of any grants in the nature of pensions, allowances or gratuities authorized to be made under any statute other than this act and effect shall be given to any adjudication by the commission under any such act either by the department or such other department of government as the governor in council may direct.

That goes very far too. I submit that it means that the handling of old age assistance payments, for example, could be turned over to the Canadian pension commission. The Department of National Health and Welfare would be bound to follow the rulings made by this pension commission if that were done.

The act shows clearly that this pension commission was intended to be a judicial body. Commissioners are always under suspicion from the veterans of Canada, because in many cases they have to turn down an application for pension. The first thought of the wounded or sick veteran in my province who fails to qualify for a pension is, oh well, that pension commission is just a branch of the government and they have turned me down; it is not a proper court and I would like to appeal to the county court or the supreme court of British Columbia.

For many years there have been rather insistent demands that there should be an appeal to the courts provided for these applicants for disability pension. Surely, the Prime Minister and the members of the government realize that by taking away these provisions for leaving parliament in control of the pension commission they are weakening that commission and making it all the more subject to criticism from the veterans of Canada. They are making all the more justification for a demand from the veterans of Canada that there be an appeal to the courts of this land from decisions of the pension commission. If it is to continue as a judicial body, then let us see that it has the same standing as the courts, and that the pension commissioners are directly under parliament rather than being under the cabinet.

The Canadian Legion take a very serious view of this. I have here the brief which

they submitted to the standing committee on veterans affairs, and the Legion had this to say about this particular question:

The Canadian Legion looks upon section 2 of Bill 339 as a serious potential infringement of one of the basic principles of the Canadian Pension Act.

The original, and I think the continuing intention of the act, was that the Canadian pension commission be as independent as parliament can make it. This is as it should be.

After all the whole basis of our veteran and pension legislation rests on the conscience of the Canadian people who express their wishes through you their elected representatives. Parliament guards that trust, and indeed it is for the express purpose of executing the trust that the committee of parliamentary members meet here today.

But section 2 takes away from parliament the right to establish the quantum of salaries to be paid the pension commission and gives the right to the cabinet.

We feel that this is a definite move against the autonomy of the pension commission, an autonomy which was established by parliament and must be protected by parliament.

The salaries of the judges of our courts are fixed by parliament. That is admittedly necessary for the safe functioning of our courts. We are confident that any attempt to make or to have the judges' salaries fixed by the executive branch of government would cause a mighty outcry across the nation.

We contend that the pension commission is also a judicial body, and as such it is important that it be left so far as possible in a position that it is answerable to parliament alone. We, therefore, must strongly urge upon the committee, that the time tested and vital principles by which the pension commission salaries are fixed by parliament should be retained. We feel most strongly that parliament must continue to control in every possible way the administration of the Canadian Pension Act.

The national council of veterans also submitted a brief and they were very hesitant about this provision. They said if it did not interfere with the independence of the commission, then it might be all right. There was a great big "if" at the first of their submission.

Mr. Lapointe: I think the hon. member should read what they said.

Mr. Green: Yes, I shall be glad to do that. It reads as follows:

If—

And I emphasize that word.

—this section will facilitate the fixing and administration of commensurate salaries, without impairing the force and effect of appointments to the commission by the House of Commons, and protected from partisan or other influences which would be detrimental to the fair and impartial administration of the Canadian Pension Act, we have no objection.

Mr. Lapointe: You emphasize the "if" and I will emphasize the "we have no objection."

Mr. Green: I emphasize the "if" and I emphasize the stand taken by the Canadian Legion.