

Supply—National Defence

opinion, the decision would not be made by the Canadian Pension Commission but would be made by some agency under the control of the Department of National Defence, I may be incorrect, but it seems to me this must be true. If it is true, I suggest the minister cannot hide behind the pension board by saying that the parties have a right of appeal. If I am wrong, and the parties do have this right, then I feel it is within the minister's jurisdiction to change that provision with regard to the discretionary powers of the Canadian Pension Commission, because obviously the commission has never used it.

On a number of occasions the hon. member for Swift Current-Maple Creek has requested that these matters under dispute be referred to the courts for a final decision. In other words, the minister should waive the Queen's prerogative by allowing service personnel to sue in the courts for redress, rather than stopping at the Pension Commission. I may be wrong in saying such matters do not go to the Canadian Pension Commission but are handled through another agency under the Department of National Defence. However, I believe that since the question has been raised members of parliament are going to have to settle it now. They are going to have to settle it in the Department of Veterans Affairs or the Department of National Defence. The minister should be prepared to give us an assurance that he is willing to make that change which will allow service personnel to sue in the courts as a final appeal against a decision of the pension commission, a course that cannot be followed at the moment.

Mr. Hellyer: This act is administered by the Department of Veterans Affairs, so that I have no direct responsibility under it. I think the correct place to direct the question would be to the Minister of Veterans Affairs.

Mr. Peters: May I ask the minister under what regulation or in what manner we were able to bring service personnel under this section of the veterans affairs branch during peacetime? They are being treated in a completely different manner from the way in which they were treated previously when serving in a theatre of war. We are aware of no changes that have been made in the method of treatment, but there must have been some act or regulation passed which allowed the Department of National Defence to use some other agency for employee relationships. In other words, we were aware of

[Mr. Peters.]

the fact we had to pass special legislation to allow the Korean war veterans to receive pensions for war service. This was a special piece of legislation.

The minister is now saying really that he has been able to put all the service personnel under the veterans affairs branch. I have no objection to this, of course, except that it does not sound reasonable in the light of the experience I have had with a number of cases. Obviously, when service personnel were on duty 24 hours a day in Germany, they were on active duty. There was no period when they were on duty and when they were off duty. They were under the direction of the army.

I have one example in which I was particularly interested. An order was given by a commanding officer to have all the employees bring their families to the base for inoculation because there was an epidemic taking place in that town. The airman in question picked up his wife and young daughter and brought them to the base. They were inoculated by the air officer in charge and taken home. The airman had not completed his eight hour shift and he was on his way back to the air base when he was killed. The argument was used that there could be no compensation paid in this case because, while it was true the airman was under orders and his shift had not been completed, he was not acting in line of duty.

In the war, if you were killed it did not matter if you were asleep or awake, you were still on duty and you were covered by these provisions. I believe the problem raised by the hon. member for Winnipeg North is a very important one. Every Canadian was shocked and embarrassed to realize that it made a difference whether you were going into the house when you got killed or whether you were coming out of the house. Veterans affairs do not usually play it that carefully; they are usually more lenient about these cases. The decision seems to hinge on the fact that we are not at war. Service personnel in peacetime are not really under the same restrictions as service personnel during a time of war, and this fact has been reflected in the treatment they have received. I think all Canadians were shocked to find that this was so. If it is so, we are going to have to cover them by an insurance policy or through some other method. We do believe that service personnel who may be killed, whether or not they are on duty, should be covered by some regulation or some act.