

Disabled Persons Act

whether he means permanent unemployment or permanent disability.

Mr. Smith: Unemployability.

Mr. Harley: Unemployability. Then this brings up the point: Are they one and the same? There is grave difference of opinion about this. Under the act at the present time we must assume they are the same thing. Many things other than health can make one permanently unemployable; I have only to mention education and skill. At the present time if one is not well enough to work and earn an income he applies for a disability pension.

I should like to read the definition of a permanently disabled person contained in the present Disabled Persons Act and the disabled persons regulations which were passed in December 1960. It is as follows:

For the purpose of the act and these regulations, a person shall be deemed to be totally and permanently disabled when suffering from a major physiological, anatomical or psychological impairment verified by objective medical findings which is likely to continue indefinitely without substantial improvement and, as a result thereof, such person is severely limited in activities pertaining to normal living.

I should just like to deal with the interpretation as it is given here. The first factor, physical condition and mental condition, are covered in that definition. Then it refers to physiological, anatomical or psychological impairment. As far as age is concerned, at the present time the act specifies that a person must be 18 years of age and over to draw this allowance, and they can continue drawing it to the time they can be turned over to the old age assistance programs. I am not sure whether the hon. member means it should be granted to those below the age of 18.

Mr. Smith: Mr. Speaker, would the hon. member permit a question?

Mr. Harley: Certainly.

Mr. Smith: Would he agree that under the present definition "normal living" excludes the ability to work and earn a living?

Mr. Harley: Would the hon. member rephrase his question, please?

Mr. Smith: The regulations refer to a person carrying out the functions of normal living. Is working for a living not one of those functions?

Mr. Harley: Again, Mr. Speaker, this brings me to the question of definition. I agree that one necessarily does not have to be working to be living normally, or vice-versa. To illus-

trate this, the act takes into consideration physical and mental factors as well as age. I should like to give to the house some statistics relating to people who now draw this allowance. The greatest number of people draw this allowance for reasons of mental deficiency. The second largest group are those suffering from arteriosclerosis and degenerative heart disease, which is of course most common in older people. The third group consists of those suffering neoplasms, or cancer as most people refer to it. The fourth group are those suffering from schizophrenia, which is of course another mental disease commonly known as split personality. When we come to the definition of "disability" as given in the regulations I think we should read into the record what the regulations say at the present time about disability. Reading from the disabled persons regulations, again, of December 16, 1960, we see:

For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards his total and permanent disability, the applicant shall furnish or cause to be furnished, in such form as may be required by the provincial authority, a medical report signed and dated by a qualified physician, which shall state

- (a) the nature, extent and prognosis of the disability,
- (b) the findings upon which the diagnosis and prognosis were made,
- (c) the limitations in function imposed by the disability,
- (d) any other pertinent information concerning the disability, including any recommendations for further diagnostic work or treatment as may be relevant, and
- (e) any additional information required by the provincial authority.

Then section 2 is:

The provincial authority shall consider the medical report required by subsection 1 and, before determining that the applicant is totally and permanently disabled, shall cause such medical investigation to be made as it may deem necessary in the circumstances.

3. The provincial authority shall, at least once in each year, cause such further medical review or investigation to be made as the nature of the recipient's disability may require.

I think this provision goes into great detail. As I have mentioned to the hon. member, on occasion I have had these forms to fill out and I certainly agree with him that they could be simplified; but I think what they ask for under the definition of "disability" is a reasonable thing. They want to be sure before they grant this pension that it is not going to be a temporary thing. They want to be sure also, of the basis on which the diagnosis was arrived at and how severely it is going to limit