

Pension Act

serious invasions of the power of a quasi-judicial body that has ever been brought before the House of Commons.

Mr. Rowe: He likely will.

Mr. Diefenbaker: There are other ministers here besides the Minister of Veterans Affairs. I should like them to speak on this measure.

Mr. Rowe: The Minister of Agriculture.

Mr. Diefenbaker: I should like them to speak on the power of the executive to control a body created by itself by having within its control the right to determine the salaries to be fixed. I remember hearing the late Mr. King speak so often about the rights of the individual and the need for the preservation of the independence of bodies set up by the crown and of their freedom from invasion by the executive and the representatives of the crown. If ever there was a piece of legislation that has within its simple wording the threat of the undermining of the independence of one of the greatest bodies that has been free from political influence within our country, it is this one. That threat is contained in these simple words: The chairman, the deputy chairman, and the other commissioners and ad hoc commissioners shall each be paid a salary to be fixed by the governor in council. As far as we are concerned, Mr. Chairman, may I say this. It may be late in the session but this is one thing we are going to fight in order to maintain the independence of judicial commissions and quasi-judicial bodies.

Mr. Churchill: Mr. Chairman, I think we are indebted to the members of the House of Commons who served on the veterans affairs committee and to other hon. members who have also spoken this evening in drawing the attention of the committee to this legislation which they and others of us find to be objectionable. I am happy to be able to participate in this debate because I have been waiting for over a year to have another word with the Minister of Veterans Affairs. It is just over a year ago that we had an exchange of opinions in the House of Commons, when the minister was at great pains to point out to me that he had nothing to do with the pension commission, that he had no jurisdiction over it and that he could not interfere with it in any way, although I did not ask him to do so. He was very emphatic in indicating to the house that the commission was an independent body and that the minister had nothing whatever to do with it. As evidence of that let us look at his words as found on pages 5136 and 5137 of *Hansard*

[Mr. Diefenbaker.]

of May 11, 1953. The minister was replying to me in the course of our exchange of information and he said this:

The hon. member also knows that this parliament has given the Canadian pension commission sole authority and exclusive jurisdiction to adjudicate on all claims under the Pension Act. As minister I cannot make any comment on any of the decisions of the commission, nor can I intervene.

Then he goes on to say:

I believe this was wise legislation on the part of parliament. Otherwise it can readily be seen that if a minister could intervene in any of the decisions of the commission his office would be used as an appeal court on all pension matters where applicants were not dealt with as they felt they should have been.

Then he concludes with this sentence:

This legislation was passed by parliament as a result of requests by veteran groups.

I think that was a clear exposition of the position of the pension commission and of the position of the minister. Why are we now faced with the situation where the minister wants the power to intervene in some way with the pension commission, the power to intervene, as other members have pointed out tonight, through the medium of the salaries of the commissioners? If this clause is passed the Minister of Veterans Affairs will have something to say with regard to the pension commission. Last year he had nothing to say and wanted to have nothing to say. He did not want anybody to express opinions to him with regard to findings of the pension commission and so on. He washed his hands of the pension commission. Why does he now wish to have something to do with the pension commission?

A few minutes ago the hon. member for Prince Albert said—and I think these are his words—that the government now asks for legislation that the veterans of Canada do not want. A year ago the minister pointed out that this legislation was passed by parliament as a result of requests by veterans' groups. If the legislation was passed by parliament in response to the requests of veterans' groups and through all these years has been considered very satisfactory, why is the government now attempting to do something that is contrary to the wishes of the veterans' groups? We are hoping that we will have an explanation from the minister with regard to the encroachment upon the pension commission that will be achieved if this particular clause passes which will give to the governor in council a means of influencing the pension commission.

Mr. Lapointe: Mr. Chairman, I must say that I am rather surprised at the violent tone that the debate on this particular section