

*Veterans Affairs*

## PRIVATE MEMBERS' MOTIONS

[English]

## VETERANS AFFAIRS

## MOTION RESPECTING TREATMENT OF VETERANS AND SURVIVORS

**Mr. Gordon Towers (Red Deer)** moved:

That, in the opinion of this House, the government should consider the advisability of implementing Recommendation Number 7 of the Standing Senate Committee on Health, Welfare and Science's Report entitled "They Served We Care" which called on the government to establish a Committee composed of officials from both government and veterans' associations to review and update those recommendations of the Woods Committee which have not been implemented and to identify, study and make recommendations about the anomalies which still exist in the treatment of veterans and their survivors and which also suggested that this Committee should study the apparent inequity to a divorced spouse who under existing legislation has no entitlement to benefits under the Pension Act and the War Veterans Allowance Act and which also suggested that the Committee study the apparent inequity of the manner in which veterans are compensated for periods spent as prisoners of war.

He said: Mr. Speaker, the reason I have presented this Motion at this time is to bring to your attention and to the attention of all our colleagues in the House of Commons the responsibility which falls on our shoulders regarding the treatment we give to the veterans of our country, and especially those veterans who were prisoners of war.

I have been concerned for some time that we have not dealt adequately or fairly in a great many cases with the pensions or benefits which our veterans are entitled to. In a great many cases we have a grey area, and I suppose in any given situation where there is a right and a wrong or a black and a white, you do have those grey areas. I believe that in these judgments which are handed down there are a considerable number of grey areas, and it falls to the judgment of the hon. members of the Commission to make the ultimate decision. In many of these cases, I feel there is not enough scope given to these areas and, perhaps, not enough consideration given to the ultimate decision.

The departmental comments on the 29th Dominion Convention Resolution of 1982, from the Department of Veterans Affairs, were issued by the Dominion Command of the Royal Canadian Legion in February, 1983. I find that the comment with regard to disability pensions and the benefit of doubt is dealt with. I will perhaps read this for the benefit of our colleagues:

Whereas the Pension Act clearly states that an applicant for pension is entitled to benefit of the doubt, which means it is not necessary for the applicant to adduce conclusive proof for applicable pension, but that the body adjudicating on the claim shall draw from the circumstances of the case and the evidence adduced, every reasonable inference in favour of the applicant:

Therefore be it resolved that all pension applicants continue to be given the benefit of the doubt as set out under Section 85 of the Pension Act.

Then, of course, the departmental comment on that, Mr. Speaker, is simply this:

In accordance with Section 85 of the Pension Act, all pension applicants continue to be given the benefit of the doubt with regard to decisions rendered by the Canadian Pension Commission and the Pension Review Board.

I am sure, Mr. Speaker, that you have cases, as well as all Hon. Members of this House of Commons, with regard to requests for pensions on behalf of many of the applicants. I do not believe, sir, that the Commission goes far enough in the

direction of giving the benefit of the doubt on these applications to the veterans. I believe we have room in which to move. I know that the question always comes up—it was mentioned in the decision which was made to the Standing Committee on Veterans Affairs last night—that it is a matter of finances. Of course, we should consider it really it would not cost that much in the long term. We have money, apparently, to move the Department of Veterans Affairs to Prince Edward Island. Far better, and I have always said this, to have taken that money and given it to the veterans for pension benefits rather than moving the whole Department out of Ottawa, because the veterans were very happy, and all the Legion members were happy and content to have the headquarters in Ottawa. They were very disturbed when their headquarters were moved. Certainly, the cost is a tremendous factor. How in the world can any Minister or any Department official say they do not have money to assist in the particular areas we are talking about when they can spend a massive amount of money to move the whole facility out of Ottawa?

In order to give credence to my Motion, I am going to deal with the conclusion of the report of the Senate of Canada Standing Committee on Health, Welfare and Science. I will quote from it to explain what I am trying to accomplish as follows:

In the course of our research and the examination of witnesses your Committee was impressed by the many references to the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission. This task force, set up in 1965, was chaired by Mervyn Woods and submitted its Report in 1968. A great many of its recommendations were later incorporated in the 1970-1971 Amendments to the Pension Act and since then have been credited with having a major and beneficial effect on the treatment of veterans, ex-Prisoners of War and their dependents. On the other hand, many of its recommendations were not implemented. Our witnesses do not think that a massive study of all the legislation and bureaucratic structures dealing with veterans is necessary. They suggest, however, that the Woods report should be reviewed because a number of anomalies and inequities still exist in veterans' legislation and regulations. We agree with this suggestion. There are, for example, two inequities which require further study; namely, the treatment of the divorced spouses of veterans and the treatment of the Dieppe prisoners of war.

At present, the divorced spouse of a veteran has no entitlement to benefits under the Pension Act and the War Veterans Allowance Act. The Pension Act does provide that the Canadian Pension Commission has the discretion to make a grant to a divorced spouse. This discretion comes into play particularly if there is a court order or a maintenance order for some support during the lifetime of the veteran. Under the Canada Pension Plan, on the other hand, pension benefits are divided in half on the divorce of a contributor, if applied for at the time of divorce. We believe that this precedent as well as the new marriage and property legislation in a number of provinces should be taken into consideration in the proposed review in order to keep the legislation in step with present attitudes and new concepts of equality in the marriage partnerships.

● (1630)

Under the Prisoner of War Compensation Act veterans are paid disability pensions of from 10-20 per cent based on the length of time they were incarcerated. The Hong Kong veterans, however, have been entitled to a disability pension of 50 per cent because of the extreme severity of their long confinement. Other groups of veterans, such as the Dieppe POWs, were also held for long periods of time under abnormally harsh conditions but are entitled to a pension of no more than 20 per cent. Is it just to compensate those who were POWs for over 2½ years at a disability rate that is only twice the compensation offered those who were incarcerated for just 3 months?