

13, 1962. I do know that some of you already have read that because you spoke on the bill when it was changed from C-21 to C-7. In view of the fact that I am not going into as great detail as I should at this time I do think that those new members who are not acquainted with my complaint, if you wish to call it that, should read *Hansard* of March 13, 1962, in an effort to become more familiar with this matter which was discussed during private members hour.

The main reason for the introduction of bill C-7 is, I feel, that the present Canadian pension commission is not carrying out the intent of parliament in connection with the interpretation of the Pension Act and, in particular, sections 70 and 13 (2).

I further submit in recorded evidence the members of the commission admit it is beyond their capacity to interpret the act in its present form.

In view of this admission and subsequent findings of the commission I believe the time has arrived when we, as parliamentarians, should take steps to clarify this act or amend it so that justice is done, as intended by parliament, to the veteran applicant or his dependants.

My first suggestion is the deletion of section 5(5) which states: "the commission shall determine any question of interpretation of this act and the decision of the commission on any such question is final."

When such power is vested in a commission or a tribunal without the chance of appeal for redress against the possibility of mistakes, injustice or arbitrary decisions, then the situation is serious and is not in accordance with the democratic way of life.

I think the time has arrived when some method of appeal against arbitrary action should be found.

Before I proceed further I wish to put on record some evidence that the commission is unable to interpret the act as intended by parliament; also, that decisions handed down by the commission are a direct contradiction of the guiding principles the deputy chairman informed this committee were followed by the commission.

On page 285 of the Minutes of Proceedings and Evidence number 12, dated May 18, 1961, the deputy chairman stated in reference to the meaning of the phrases "arising out of" and "directly connected with" as contained in section 13 (2)—and I will read to you what was said in this connection:

Mr. JONES: I think that is the point that the members do, in fact, complain about—that the same weight and meaning is given to both these phrases, whereas I think most of the members would say—and I think you must agree—that it would not be put in the act in the first place, if it meant the same thing. They put in there "arose out of" and "directly connected with" in order to cover two different types of situations.

Then Mr. Mutch replied as follows:

Mr. MUTCH: You will not misunderstand me if I tell you that these things are drafted by lawyers and, in my capacity, I am not always able to fathom the legal mind. I do know why they did it, but it has been that way a long time.

The chairman already has made reference to this section, indicating it needs clarification. In a letter I have from the chairman of the commission, referring to the same section, he says this:

As mentioned in mine of August 10, this particular section has in recent months been the subject of a very great deal of serious consideration, and of course two important questions arise.