

Pension Act

Mr. Green: Mr. Chairman, clause 2, which it is proposed to write into the Pension Act, has the effect of repealing the provision which has been in the act since its inception in 1919 for setting the salaries of the pension commissioners. If the clause carries those salaries will from now on be set by the cabinet. There was considerable argument against such a change when the bill was in its earlier stages. In the committee on veterans affairs the parliamentary assistant brought in one amendment to this particular clause, but all it did was to provide that all the ordinary commissioners should be paid the same salary. There are of course higher salaries for the chairman and deputy chairman of the commission.

The committee will be interested in knowing that at the present time the salaries under the Pension Act are \$12,000 per year for the chairman, \$11,000 for the deputy chairman, and \$10,000 for each of the ordinary members of the commission. This clause is most objectionable to all opposition parties and, I believe, to the veterans of Canada, for two reasons. In the first place, the setting of these salaries by the cabinet will do away with at least some of the independence of the pension commission. Second, it takes away from parliament and gives to the cabinet the right to set these salaries. That is contrary to what we had thought was the trend in this year 1954. We have been hoping that the cabinet would give up some of the autocratic powers it has had, and as a matter of fact the Emergency Powers Act was allowed to expire just eight days ago. But here we find a move in the opposite direction under which power is taken away from parliament and given to the cabinet.

First of all I should like to deal with our objection that this change will interfere with the independence of the pension commission. I do not suppose the Minister of Justice would have the temerity to argue in the house or anywhere else that the salaries of Canadian judges should be set by order in council. They have always been set by parliament. The figures have always been placed right in the statute so that the judges of the land know that they are not subject to any change being made in their salaries at the whim of the cabinet.

I suggest to you, Mr. Chairman, that there is even more reason why the Canadian pension commissioners should have their salaries set out in the Pension Act. There is even more reason why we should be careful to keep them independent and to build them up in every possible way as an independent body not subject to control by whatever government happens to be in power.

[The Chairman.]

The Pension Act was passed originally in 1919 just after the first war. In the original act the amounts that were to be paid to the chairman and the ordinary members of the commission were set out. From time to time since then there have been increases but in every single case the increase has been made by changing the statute itself.

Since I came here in 1936 I have been privileged to be a member of every special committee on veterans affairs. When it has been proposed to increase the salaries of the pension commissioners the change has been brought in in the form of a bill which has been referred to the committee on veterans affairs and in due course has come back to the house and become law in just the same way that judges' salaries have been dealt with twice within the last six or seven years.

This is very important to the veterans of Canada because they feel that the pension commission should be kept independent. One has only to go over the other provisions of the Pension Act to realize that the legislators who passed the act in the first place were very careful to build up the independence of the commission. I refer, for example, to section 4 of the Pension Act, and I believe that each of these provisions I am about to quote has been in the Pension Act since 1919. Section 4 reads in part as follows:

The commission shall be attached to the department and the expenses required to be incurred for the discharge of its duties shall be paid out of the moneys provided by parliament.

I point out that under that section the commission is not made a part of the department but is merely attached. That was one other way to help to keep the commissioners independent. Section 5 reads as follows:

Subject to the provisions of this act and of any regulations, the commission has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any pension under this act and to the recovery of any overpayment that may have been made; and effect shall be given by the department and the comptroller of the treasury to the decisions of the commission.

There you have the commission given absolute power with regard to pensions, and I would point out that the last sentence is particularly noteworthy in that it provides that effect shall be given by the department and the comptroller of the treasury to the decisions of the commission. In other words, if the pension commission decides that a veteran is entitled to a pension, treasury board cannot interfere. They cannot come along and say: "You should not have given that pension", because the Pension Act is so worded that the