

Canada Pension Plan

Under the amendment to section 78 a disabled contributor's child's benefit is payable, where the child has not yet reached 18 years of age, to the person having the custody and control of the child except that where the child is living apart from the contributor he shall be presumed, in the absence of any evidence to the contrary, to be the person having such custody and control.

The amendment to section 79 provides that a disabled contributor's child's benefit will cease to be payable when the child ceases to be a disabled contributor's child as defined in subsection 1(b) of section 43, when the disability pension ceases to be payable to the disabled contributor under this act or under a provincial pension plan or when the child dies. The proposed amendments are now being circulated and it may be that I should read them while they are being distributed. They are as follows:

That the heading preceding section 77 and sections 77 to 79 be revised to read as follows:

"Disabled contributor's child's benefit and orphan's benefit.

Persons by whom application may be made.

77 (1) An application for a disabled contributor's child's benefit or orphan's benefit may be made on behalf of a disabled contributor's child or orphan by such child or orphan or by any other person to whom the benefit would, if the application were approved, be payable under this part. Commencement of payment of benefit.

(2) Subject to section 61, where payment of a disabled contributor's child's benefit or orphan's benefit in respect of a contributor is approved, the benefit is payable for each month commencing with,

(a) in the case of a disabled contributor's child's benefit, the month commencing with which a disability pension is payable to the contributor under this act or under a provincial pension plan; and

(b) in the case of an orphan's benefit, the month following the month in which the contributor died, but in no case earlier than the 12th month preceding the month following the month in which the application was received.

No benefit in respect of more than one contributor.

(3) Where a disabled contributor's child's benefit has become payable to a child under this act or under a provincial pension plan in respect of any contributor thereunder or an orphan's benefit has become payable to an orphan under this act or under a provincial pension plan in respect of any contributor thereunder, no disabled contributor's child's benefit or orphan's benefit is payable to that person under this act in respect of any other such contributor.

Subject to the wish of the committee, it may be that I should not continue reading. That is the end of the proposed amendment to section 77. It might be, however, that at this time the committee would wish me to read all three proposed amendments.

Mr. Knowles: Finish 77.

[Miss LaMarsh.]

Miss LaMarsh: Then, subclause (4) of clause 77 reads as follows:

No benefit unless child of contributor when contributor disabled.

Except as provided by regulation, no disabled contributor's child's benefit is payable to a child of a disabled contributor unless the child was a child of the contributor at the time the contributor became disabled.

Mr. Benson: I so move.

The Deputy Chairman: Shall the amendment carry?

Mr. Aiken: This is part of the proposal to add a disabled contributor's children to those who would receive benefits. We are in agreement with it.

Mr. Enns: I simply wanted to have part of the amendment clarified. There is a reference to the fact that an application for a disabled contributor's child's benefit may be made by such child or by any other person. I am wondering if "any other person" could include child care agencies if the child were in the care of, say, the children's aid society or the director of public welfare of a province?

Miss LaMarsh: The reference is to anyone who has custody or control. I believe if the hon. member looks at clause 78 he will find that this could presumably be an agency which has custody or control.

Mr. Knowles: I have one question. I notice in the amendment, in at least two places, there is a phrase which I did not see in the clause as originally drafted. The phrase is, "or under a provincial pension plan", and it appears at the end of clause 77 (2) (a) as well as in 77 (3). What is the need for this phrase in this clause?

Miss LaMarsh: I am sorry to delay the committee, but this is a provision needed for the integration of the plans. If, for instance, a contributor were found to be disabled under the Quebec pension plan and then subsequently moved to Ontario, this provision would permit those benefits to be payable to the child or orphan subsequently, the finding having been made under the Quebec plan so it would apply to the Canada pension plan.

Amendment agreed to.

Clause as amended agreed to.

On clause 78—*Payment of benefit.*

Miss LaMarsh: The amendment to clause 78 reads as follows:

Payment of benefit.

Where a disabled contributor's child's benefit is payable to a child of a disabled contributor or an