

Supply—Veterans Affairs

various head offices of the banks to ensure that all necessary regulations are available to the branch managers.

If I remember correctly, I think that covers most of the miscellaneous points. Those that I now come to deal more specifically with pensions. The hon. member for Cape Breton South, who has been a member of many committees on veterans affairs, referred to divorce as applied to pensioners, and to one particular case wherein the Canadian pension commission do not pay additional pension on behalf of a wife. He mentioned a conversation with the Minister of Justice on this subject.

I assure the hon. member that the chairman of the commission had brought this subject to my attention a long time ago and has done so consistently since, and it is most actively being considered as a follow-up to the report of the subcommittee to the veterans affairs committee of 1948. Some hon. members who are here tonight were members of the committee in 1948. The chairman was the hon. member for Grey-Bruce, the parliamentary assistant to the Prime Minister. That subcommittee brought in a report which at that time, as hon. members will recall, did not make any specific recommendation for a solution, but we are still working on it.

Mr. Brooks: I do not think they were dealing with that particular point. I think the question which was before that committee had to do with divorces in England.

Mr. Gregg: I think hon. members will agree that this particular point was part of the terms of reference of that subcommittee.

Mr. Brooks: I was a member of the committee. I do not recall that.

Mr. Gregg: Another case was mentioned by the hon. member for Cape Breton South, and I will quote what he said as reported at page 606 of *Hansard*, column 1:

A boy joined the air force early in the war, went through all the training, and qualified as a pilot. He was posted to one of the civilian flying schools as an instructor-pilot. My information is that he did not ask for that posting, he was sent there. While on a joy-ride one night he fell off a hay wagon and his skull was fractured.

He was refused pension for disability and my hon. friend suggests that it is our responsibility to award one to him. It happens that the commission knows this case well. A review of this claim indicates that the veteran volunteered for duty as a flying instructor at a civilian school in Canada and was granted leave of absence without pay for that purpose. He signed an application form dated June 5, 1943, asking to be released from the R.C.A.F. for nine months for employment as a staff pilot, and on January 18,

[Mr. Gregg.]

1944, this leave without pay was extended indefinitely. These civilian flying schools were provided with insurance covering disability or death on a scale equal to that of the Pension Act. Unfortunately, in this case the disability was not incurred while on flying duty but as the result of an off-duty accident on the evening of August 26, 1944, when he fell off a hayrack while going on a picnic and suffered a head injury.

The commission, of course, here as elsewhere, must be governed by the Pension Act in adjudicating upon claims, and in this one ruled that, having regard to section 11 of the act, the disability was not pensionable as it was incurred while on leave of absence without pay.

The hon. member for Acadia touched upon a few points affecting the Pension Act regarding which I should like to give him the information promised. He referred to the deletion in 1948 of the term "wilfully and deliberately concealed" from section 11 (1) (c) of the act and asked how many cases had been reviewed and how many veterans had benefited as a result of that change.

The chairman of the commission advises me that, ever since the amendment in 1948, the commission has actively pursued a review of each known case and that at the 11th instant the records show that out of 2,012 cases reviewed, the following decisions were rendered:

Pre-enlistment aggravated, pension for entire disability	1,628
Pre-enlistment recorded, aggravated, not pensioned for entire disability	292
Pre-enlistment obvious, not pensioned for entire disability	86
Entitlement granted as incurred during service	6
Total	2,012

Hon. members will recall that those two words "recorded" and "obvious" were inserted in place of those I mentioned a moment ago.

The two other pension points raised by the hon. member had to do with disabilities of pre-enlistment origin and the question of the benefit of the doubt. I am sure hon. members realize that where there is evidence of pre-enlistment origin, the commission must take cognizance of the fact. They must determine whether the injury or disease or aggravation thereof resulting in disability or death was attributable to or incurred during service. That is a statutory requirement.

With regard to the benefit of the doubt, I am sure the commission welcomes the provision in section 63 and takes full advantage of it. There must be a doubt, however, before the commission can exercise their discretion.